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# JOURNAL

OF THE

# ASSEMBLY

OF THE

## STATE OF NEW YORK

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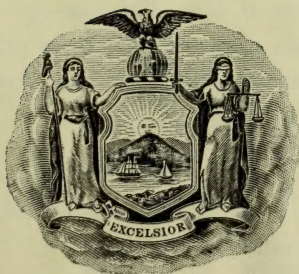
### ONE HUNDRED AND THIRTY-SECOND SESSION

BEGUN AND HELD AT THE CAPITOL IN THE CITY OF ALBANY  
ON WEDNESDAY, THE SIXTH DAY OF JANUARY, 1909

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## VOLUME III

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ALBANY  
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1909

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JOURNAL

ASSEMBLY

STATE OF NEW YORK

ONE HUNDRED AND THIRTY-SECOND SESSION

ROBERT A. HENCKES, THE CLERK, IN THE CITY OF ALBANY,  
ON WEDNESDAY, THE EIGHTH DAY OF JANUARY, 1913.

VOLUME III



NEW YORK STATE ARCHIVES  
ALBANY, N. Y.



APRIL 20.]

2145

Boshart	Garbe	Leffingwell	Odell	Thorn
Brady	Geoghegan	Levy A J	Oliver	Todd
Brennan	Gillen	Levy J	O'Neil	Toombs
Brown C F	Glore	Lewis	Parker F B	Travis
Brown G W	Glück	Lowe	Parker J S	Voss
Burhyte	Goldberg	Lowman	Partridge	Waddell
Callan	Goodspeed	Lupton	Perkins	Walters
Caughlan	Graubard	MacGregor	Phillips C W	Ward
Cheney	Gray	Manley	Phillips J S	Waters
Clarke	Green	Marks	Reed	Weaver
Colné	Gunderman	Marlatt	Robinson	Weber
Conklin	Hackett	Martin	Rosan	Wende
Costello	Haines	McCue	Sanner	White E H
Cuvillier	Hammond	McElligott	Sargent	White L H
De Groot	Hamn	McFarlane	Schmidt	Whitley
Donnelly	Hawley	McGrath	Schutta	Whitney
Draper	Hemenway	McInerney	Scott	Williams
Duell	Herrick	McKeon	Shea	Wood
Eagleton	Hoey	McLaughlin	Sheridan	Yale
Edwards	Howard	Mead	Silbermann	Young E
Evans	Jackson	Merritt	Smith A E	Young F L
Farrar	Jordan	Millen	Smith C	

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 830) entitled "An act to provide for the election of a police justice in certain of the towns of this State." (Rec. No. 189.)

On motion of Mr. Evans, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 144

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Joseph	Miller J L	Smith F L
Barden	Fellows	Klein	Miller W G	Staley
Bates	Filley	Lachman	Murphy C F	Stein
Baumann	Foley	Lanahan	Murphy F J	Stern
Baumes	Fowler	Lansing	Murray	Sullivan
Bennett	Francis	Lazarus	Neupert	Surpluss
Bohan	Frisbie	Lee	Nolan	Thompson
Boshart	Garbe	Leffingwell	Odell	Thorn

Brady	Geoghegan	Levy A J	Oliver	Todd
Brennan	Gillen	Levy J	O'Neil	Toombs
Brown C F	Glore	Lewis	Parker F B	Travis
Brown G W	Gluck	Lowe	Parker J S	Voss
Burhyte	Goldberg	Lowman	Partridge	Waddell
Callan	Goodspeed	Lupton	Perkins	Walters
Caughlan	Graubard	MacGregor	Phillips C W	Ward
Cheney	Gray	Manley	Phillips J S	Waters
Clarke	Green	Marks	Reed	Weaver
Colne	Gunderman	Marlatt	Robinson	Weber
Conklin	Hackett	Martin	Rozan	Wende
Costello	Haines	McCue	Sanner	White E H
Cuvillier	Hammond	McElligott	Sargent	White L H
De Groot	Hamm	McFarlane	Schmidt	Whitley
Donnelly	Hawley	McGrath	Schutta	Whitney
Draper	Hemenway	McInerney	Scott	Williams
Duell	Herrick	McKeon	Shea	Wood
Eagleton	Hoey	McLaughlin	Sheridan	Yale
Edwards	Howard	Mead	Silbermann	Young E
Evans	Jackson	Merritt	Smith A E	Young F L
Farrar	Jordan	Millen	Smith C	

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 558) entitled "An act to authorize the 'Middle Patent Rural Cemetery Association' to purchase or otherwise take and hold and dispose of additional land by and with the consent of the board of supervisors of the county of Westchester, and authorizing said board of supervisors to grant such consent." (Rec. No. 205.)

On motion of Mr. Haines, said bill was read the second time and order to a third reading.

The bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 144

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Joseph	Miller J L	Smith F L
Barden	Fellows	Klein	Miller W G	Staley
Bates	Filley	Lachman	Murphy C F	Stein
Baumann	Foley	Lanahan	Murphy F J	Stern
Baumes	Fowler	Lansing	Murray	Sullivan
Bennett	Francis	Lazarus	Neupert	Surplus



Bohan	Frisbie	Lee	Nolan	Thompson
Boshart	Garbe	Leffingwell	Odell	Thorn
Brady	Geoghegan	Levy A J	Oliver	Todd
Brennan	Gillen	Levy J	O'Neil	Toombs
Brown C F	Glore	Lewis	Parker F B	Travis
Brown G W	Glück	Lowe	Parker J S	Voss
Burhyte	Goldberg	Lowman	Partridge	Waddell
Callan	Goodspeed	Lupton	Perkins	Walters
Caughlan	Graubard	MacGregor	Phillips C W	Ward
Cheney	Gray	Manley	Phillips J S	Waters
Clarke	Green	Marks	Reed	Weaver
Colné	Gunderman	Marlatt	Robinson	Weber
Conklin	Hackett	Martin	Rozan	Wende
Costello	Haines	McCue	Sanner	White E H
Cuvillier	Hammond	McElligott	Sargent	White L H
De Groot	Hamm	McFarlane	Schmidt	Whitley
Donnelly	Hawley	McGrath	Schutta	Whitney
Draper	Hemenway	McInerney	Scott	Williams
Duell	Herrick	McKeon	Shea	Wood
Eagleton	Hoey	McLaughlin	Sheridan	Yale
Edwards	Howard	Mead	Silbermann	Young E
Evans	Jackson	Merritt	Smith A E	Young F L
Farrar	Jordan	Millen	Smith C	

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 937) entitled "An act to amend chapter seven hundred and sixty-nine, entitled 'An act to provide for supplying the village of White Plains with water and authorizing the issue of bonds therefor, and to create a board of water commissioners for said village,' in relation to taxation." (Rec. No. 224.)

On motion of Mr. Haines, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 144

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Joseph	Miller J L	Smith F L
Barden	Fellows	Klein	Miller W G	Staley
Bates	Filley	Lachman	Murphy C F	Stein
Baumann	Foley	Lanahan	Murphy F J	Sterr

Baumes	Fowler	Lansing	Murray	Sullivan
Bennett	Francis	Lazarus	Neupert	Surpless
Bohan	Frisbie	Lee	Nolan	Thompson
Boshart	Garbe	Leffingwell	Odell	Thorn
Brady	Geoghegan	Levy A J	Oliver	Todd
Brennan	Gillen	Levy J	O'Neil	Toombs
Brown C F	Glore	Lewis	Parker F B	Travis
Brown G W	Glück	Lowe	Parker J S	Voss
Burhyte	Goldberg	Lowman	Partridge	Waddell
Callan	Goodspeed	Lupton	Perkins	Walters
Caughlan	Graubard	MacGregor	Phillips C W	Ward
Cheney	Gray	Manley	Phillips J S	Waters
Clarke	Green	Marks	Reed	Weaver
Colné	Gunderman	Marlatt	Robinson	Weber
Conklin	Hackett	Martin	Rozan	Wende
Costello	Haines	McCue	Sanner	White E H
Cuvillier	Hammond	McElligott	Sargent	White L H
De Groot	Hamn	McFarlane	Schmidt	Whitley
Donnelly	Hawley	McGrath	Schutta	Whitney
Draper	Hemenway	McInerney	Scott	Williams
Duell	Herrick	McKeon	Shea	Wood
Eagleton	Hoey	McLaughlin	Sheridan	Yale
Edwards	Howard	Mead	Silbermann	Young E
Evans	Jackson	Merritt	Smith A E	Young F L
Farrar	Jordan	Millen	Smith C	

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 321) entitled "An act to amend section fifteen of title two of chapter eight hundred and eighteen of the Laws of eighteen hundred and sixty-eight, entitled 'An act to incorporate the village of Port Chester, New York,' with reference to the treasurer's annual report." (Rec. No. 219.)

On motion of Mr. Duell, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.



AYES 144

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Joseph	Miller J L	Smith F L
Barden	Fellows	Klein	Miller W G	Staley
Bates	Filley	Lachman	Murphy C F	Stein
Baumann	Foley	Lanahan	Murphy F J	Stern
Baumes	Fowler	Lansing	Murray	Sullivan
Bennett	Francis	Lazarus	Neupert	Surpress
Bohan	Frisbie	Lee	Nolan	Thompson
Boshart	Garbe	Leffingwell	Odell	Thorn
Brady	Geoghegan	Levy A J	Oliver	Todd
Brennan	Gillen	Levy J	O'Neil	Toombs
Brown C F	Glore	Lewis	Parker F B	Travis
Brown G W	Glück	Lowe	Parker J S	Voss
Burhyte	Goldberg	Lowman	Partridge	Waddell
Callan	Goodspeed	Lupton	Perkins	Walters
Caughlan	Graubard	MacGregor	Phillips C W	Ward
Cheney	Gray	Manley	Phillips J S	Waters
Clarke	Green	Marks	Reed	Weaver
Colné	Gunderman	Marlatt	Robinson	Weber
Conklin	Hackett	Martin	Rozan	Wende
Costello	Haines	McCue	Sanner	White E H
Cuvillier	Hammond	McElligott	Sargent	White L H
De Groot	Hamm	McFarlane	Schmidt	Whitley
Donnelly	Hawley	McGrath	Schutta	Whitney
Draper	Hemenway	McInerney	Scott	Williams
Duell	Herrick	McKeon	Shea	Wood
Eagleton	Hoey	McLaughlin	Sheridan	Yale
Edwards	Howard	Mead	Silbermann	Young E
Evans	Jackson	Merritt	Smith A E	Young F L
Farrar	Jordan	Millen	Smith C	

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 887) entitled "An act to authorize the city of New Rochelle to purchase land and erect thereon a municipal courthouse and police station; and to authorize such city to borrow money by the issue of bonds for the purpose of paying therefor." (Rec. No. 127.)

Said bill having been announced for a second reading,

On motion of Mr. Duell, said bill was recommitted to the committee on rules, retaining its place on the order of second reading.

Mr. Speaker announced the special order, being the Senate bill (No. 992) entitled "An act to establish a public school teachers' retirement fund in Westchester county." (Rec. No. 206.)

On motion of Mr. Haines, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 144

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Joseph	Miller J L	Smith F L
Barden	Fellows	Klein	Miller W G	Staley
Bates	Filley	Lachman	Murphy C F	Stein
Baumann	Foley	Lanahan	Murphy F J	Stern
Baumes	Fowler	Lansing	Murray	Sullivan
Bennett	Francis	Lazarus	Neupert	Surplless
Bohan	Frisbie	Lee	Nolan	Thompson
Boshart	Garbe	Leffingwell	Odell	Thorn
Brady	Geoghegan	Levy A J	Oliver	Todd
Brennan	Gillen	Levy J	O'Neil	Toombs
Brown C F	Glore	Lewis	Parker F B	Travis
Brown G W	Glück	Lowe	Parker J S	Voss
Burhyte	Goldberg	Lowman	Partridge	Waddell
Callan	Goodspeed	Lupton	Perkins	Walters
Caughlan	Graubard	MacGregor	Phillips C W	Ward
Cheney	Gray	Manley	Phillips J S	Waters
Clarke	Green	Marks	Reed	Weaver
Colné	Gunderman	Marlatt	Robinson	Weber
Conklin	Hackett	Martin	Rozan	Wende
Costello	Haines	McCue	Sanner	White E H
Cuvillier	Hammond	McElligott	Sargent	White L H
De Groot	Hamn	McFarlane	Schmidt	Whitley
Donnelly	Hawley	McGrath	Schutta	Whitney
Draper	Hemenway	McInerney	Scott	Williams
Duell	Herrick	McKeon	Shea	Wood
Eagleton	Hoey	McLaughlin	Sheridan	Yale
Edwards	Howard	Mead	Silbermann	Young F
Evans	Jackson	Merritt	Smith A E	Young F L
Farrar	Jordan	Millen	Smith C	

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 635) entitled "An act to amend chapter one hundred and seventeen of the Laws of eighteen hundred and eighty-three, entitled 'An act to amend, consolidate and revise the charter of the village of Peekskill and the several acts amendatory thereof,' relative to village taxes." (Rec. No. 115.)



On motion of Mr. Mead, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 144

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Joseph	Miller J L	Smith F L
Barden	Fellows	Klein	Miller W G	Staley
Bates	Filley	Lachman	Murphy C F	Stein
Baumann	Foley	Lanahan	Murphy F J	Stern
Baumes	Fowler	Lansing	Murray	Sullivan
Bennett	Francis	Lazarus	Neuper	Surpless
Bohan	Frisbie	Lee	Nolan	Thompson
Boshart	Garbe	Leffingwell	Odell	Thorn
Brady	Geoghegan	Levy A J	Oliver	Todd
Brennan	Gillen	Levy J	O'Neil	Toombs
Brown C F	Glore	Lewis	Parker F B	Travis
Brown G W	Glück	Lowe	Parker J S	Voss
Burhyte	Goldberg	Lowman	Partridge	Waddell
Callan	Goodspeed	Lupton	Perkins	Walters
Caughlan	Graubard	MacGregor	Phillips C W	Ward
Cheney	Gray	Manley	Phillips J S	Waters
Clarke	Green	Marks	Reed	Weaver
Colné	Gunderman	Marlatt	Robinson	Weber
Conklin	Hackett	Martin	Rozan	Wende
Costello	Haines	McCue	Sanner	White E H
Cuvillier	Hammond	McElligott	Sargent	White L H
De Groot	Hamn	McFarlane	Schmidt	Whitley
Donnelly	Hawley	McGrath	Schutta	Whitney
Draper	Hemenway	McInerney	Scott	Williams
Duell	Herrick	McKeon	Shea	Wood
Eagleton	Hoey	McLaughlin	Sheridan	Yale
Edwards	Howard	Mead	Silbermann	Young E
Evans	Jackson	Merritt	Smith A E	Young F L
Farrar	Jordan	Millen	Smith C	

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 893) entitled "An act to amend section thirty-four of chapter five hundred and eighty of the Laws of nineteen hundred and two, entitled 'An act in relation to the Municipal Court in the city

of New York,' its officers and marshals, in relation to papers to be filed and proof of service." (Rec. No. 190.)

On motion of Mr. McGrath, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 144

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Joseph	Miller J L	Smith F L
Barden	Fellows	Klein	Miller W G	Staley
Bates	Filley	Lachman	Murphy C F	Stein
Baumann	Foley	Lanahan	Murphy F J	Stern
Baumes	Fowler	Lansing	Murray	Sullivan
Bennett	Francis	Lazarus	Neupert	Surpless
Bohan	Frisbie	Lee	Nolan	Thompson
Boshart	Garbe	Leffingwell	Odell	Thorn
Brady	Geoghegan	Levy A J	Oliver	Todd
Brennan	Gillen	Levy J	O'Neil	Toombs
Brown C F	Glore	Lewis	Parker F B	Travis
Brown G W	Glück	Lowe	Parker J S	Voss
Burhyte	Goldberg	Lowman	Partridge	Waddell
Callan	Goodspeed	Lupton	Perkins	Walters
Caughlan	Graubard	MacGregor	Phillips C W	Ward
Cheney	Gray	Manley	Phillips J S	Waters
Clarke	Green	Marks	Reed	Weaver
Colné	Gunderman	Marlatt	Robinson	Weber
Conklin	Hackett	Martin	Rozan	Wende
Costello	Haines	McCue	Sanner	White E H
Cuvillier	Hammond	McElligott	Sargent	White L H
De Groot	Hamn	McFarlane	Schmidt	Whitley
Donnelly	Hawley	McGrath	Schutta	Whitney
Draper	Hemenway	McInerney	Scott	Williams
Duell	Herrick	McKeon	Shea	Wood
Eagleton	Hoey	McLaughlin	Sheridan	Yale
Edwards	Howard	Mead	Silbermann	Young E
Evans	Jackson	Merritt	Smith A E	Young F L
Farrar	Jordan	Millen	Smith C	

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

The Senate bill (No. 1084) entitled "An act to amend the charter of the city of Johnstown, generally" (Rec. No. 197), was read the third time, having been upon the desks of the mem-



bers in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 144

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Joseph	Miller J L	Smith F L
Barden	Fellows	Klein	Miller W G	Staley
Bates	Filley	Lachman	Murphy C F	Stein
Baumann	Foley	Lanahan	Murphy F J	Stern
Baumes	Fowler	Lansing	Murray	Sullivan
Bennett	Francis	Lazarus	Neupert	Surplus
Bohan	Frisbie	Lee	Nolan	Thompson
Boshart	Garbe	Leffingwell	Odell	Thorn
Brady	Geoghegan	Levy A J	Oliver	Todd
Brennan	Gillen	Levy J	O'Neil	Toombs
Brown C F	Glore	Lewis	Parker F B	Travis
Brown G W	Glück	Lowe	Parker J S	Voss
Burhyte	Goldberg	Lowman	Partridge	Waddell
Callan	Goodspeed	Lupton	Perkins	Walters
Caughlan	Graubard	MacGregor	Phillips C W	Ward
Cheney	Gray	Manley	Phillips J S	Waters
Clarke	Green	Marks	Reed	Weaver
Coiné	Gunderman	Marlatt	Robinson	Weber
Conklin	Hackett	Martin	Rozan	Wende
Costello	Haines	McCue	Sanner	White E H
Cuvillier	Hammond	McElligott	Sargent	White L H
De Groot	Hamn	McFarlane	Schmidt	Whitley
Donnelly	Hawley	McGrath	Schutta	Whitney
Draper	Hemenway	McNerney	Scott	Williams
Duell	Herrick	McKeon	Shea	Wood
Eagleton	Hoey	McLaughlin	Sheridan	Yale
Edwards	Howard	Mead	Silbermann	Young E
Evens	Jackson	Merritt	Smith A E	Young F L
Farrar	Jordan	Millen	Smith C	

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

The bill (No. 2176) entitled "An act to amend the Insurance Law, relative to proceedings against and liquidation of delinquent insurance corporations" (Int. No. 947), having been announced for a third reading,

On motion of Mr. Hamn, and by unanimous consent, said bill was ordered placed on the third reading calendar for Wednesday next.

The Senate bill (No. 662) entitled "An act to amend the Code of Civil Procedure, in relation to removal of tenant" (Rec. No. 75), having been announced,

Debate was had thereon, when Mr. Merritt moved the previous question.

Mr. Speaker put the question, "Shall the main question be now put?" and it was determined in the affirmative.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the negative, a majority of all the members elected to the Assembly not voting in favor thereof, and three-fifths being present.

AYES 39

NOES 58

Those who voted in the affirmative were:

Allen	Cheney	Glore	Neupert	Voss
Barden	Colné	Gunderman	Odell	Waters
Bates	Conklin	Lansing	Robinson	Wende
Baumes	Costello	Lazarus	Rozan	White E H
Brown C F	Draper	MacGregor	Sargent	Whitley
Brown G W	Evans	Mead	Smith A E	Williams
Burhyte	Fellows	Murphy C F	Sullivan	Young F L
Callan	Filley	Murray	Thorn	

Those who voted in the negative were:

Baumann	Hackett	Marks	Parker F B	Smith C
Brennan	Hamn	Marlatt	Parker J S	Smith F L
Caughlan	Hemenway	Martin	Partridge	Spielberg
Cuvillier	Herrick	McCue	Perkins	Staley
Duell	Howard	McElligott	Phillips C W	Stern
Eagleton	Joseph	McGrath	Phillips J S	Surpless
Edwards	Leffingwell	McKeon	Reed	Weber
Francis	Levy A J	Merritt	Sanner	White L H
Garbe	Lewis	Millen	Schmidt	Whitney
Geoghegan	Lowe	Miller J L	Schutta	Wood
Gillen	Lowman	Miller W G	Scott	Young E
Goldberg	Manley	Murphy F J		

Mr. MacGregor moved to reconsider the vote by which said bill was lost, and that said motion lie on the table.

Mr. Speaker put the question whether the House would agree to said motion, and it was decided in the affirmative.

Mr. Merritt moved a call of the members of the House.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

By direction of the Speaker, the Clerk called the roll, when the following members responded:

Allen	Fay	Lanahan	Miller W G	Smith F L
Barden	Filley	Lansing	Murphy C F	Smith M
Bates	Foley	Lazarus	Murphy F J	Spielberg
Baumann	Fowler	Lee	Murray	Staley
Baumes	Francis	Leffingwell	Neupert	Stein
Bennett	Frisbie	Levy A J	Nolan	Stern
Boshart	Garbe	Lewis	Odell	Sullivan
Brennan	Geoghegan	Lowe	Oliver	Surpless
Brown C F	Gillen	Lowman	Parker F B	Thorn
Brown G W	Glore	Lupton	Parker J S	Travis
Burhyte	Goldberg	MacGregor	Partridge	Voss
Callan	Graubard	Manley	Perkins	Waddell
Caughlan	Gray	Marks	Phillips C W	Walters
Cheney	Green	Marlett	Phillips J S	Waters
Clarke	Gunderman	Martin	Reed	Weber
Colné	Hackett	McCue	Robinson	Wende
Conklin	Haines	McElligott	Rozan	White E H
Costello	Hammond	McFarlane	Sanner	White L H
Cuvillier	Hamn	McGrath	Sargent	Whitley
De Groot	Hawley	McInerney	Schmidt	Whitney
Donnelly	Hemenway	McKeon	Schutta	Williams
Draper	Herrick	McLaughlin	Scott	Wood
Duell	Hoey	Mead	Shea	Yale
Eagleton	Howard	Merritt	Sheridan	Young E
Evans	Joseph	Millen	Smith A E	Young F L
Farrar	Lachman	Miller J L	Smith C	

Mr. Merritt moved that the House proceed with business during the pendency of the call.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

The bill (No. 2105) entitled "An act to amend the Public Health Law, in relation to the discharge of sewage into the waters of the State" (Int. No. 1167), having been announced,

Mr. Speaker stated the question to be upon the amendments offered by Mr. Boshart.

Debate was had thereon.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative.

Mr. Fowler moved that said bill be recommitted to the committee on public health, with instructions to report the same forthwith, amended as follows:

Page 4, end of line 7, add "nor shall any order be made under this section which shall bear the effect of relieving any municipality or corporation from the obligations imposed by section seventy-three of this act."

Debate was had thereon.



Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative.

Mr. F. L. Young moved that said bill be recommitted to the committee on public health, with instructions to report the same forthwith, amended as follows:

Insert the word "potable" after the word "the" on page 2, line 1.

Insert the word "potable" after the word "the" on page 3, line 13.

Strike out the words "or comfort" on page 3, line 13.

Strike out all of section 76-b.

Debate was had thereon.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 87

NOES 27

Those who voted in the affirmative were:

Allen	Cuvillier	Lachman	Miller J L	Scott
Barden	Donnelly	Lanahan	Murphy C F	Sheridan
Bates	Eagleton	Lazarus	Murphy F J	Smith A E
Baumann	Edwards	Lee	Murray	Smith M
Baumes	Farrar	Leffingwell	Neupert	Spielberg
Bennett	Fay	Levy A J	Nolan	Stern
Bohan	Foley	Lowe	Oliver	Thompson
Brady	Francis	Lupton	Parker F B	Thorn
Brown C F	Garbe	Marks	Perkins	Voss
Brown G W	Geoghegan	Martin	Phillips C W	Walters
Burhyte	Gillen	McElligott	Phillips J S	Ward
Callan	Glore	McFarlane	Robinson	Weber
Caughlan	Goldberg	McGrath	Rozan	Wende
Cheney	Green	McInerney	Sanner	White L H
Clarke	Hackett	McKeon	Sargent	Whitlev
Colne	Hammond	Merritt	Schmidt	Whitney
Conklin	Howard	Millen	Schutta	Wood
Costello	Joseph			

Those who voted in the negative were:

Boshart	Gray	Lowman	Odell	Staley
Duell	Haines	MacGregor	Parker J S	Sullivan
Fellows	Hemenway	Manley	Partridge	Waters
Filley	Herrick	McLaughlin	Smith C	Yale
Fowler	Hoey	Mead	Smith F L	Young F L
Frisbie	Lansing			

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The Senate bill (No. 1167) entitled "An act to authorize the selection, location and appropriation of certain lands in the town of Saratoga Springs for a State reservation, and to preserve the natural mineral springs therein located, and making an appropriation therefor, and authorizing an issue of bonds to pay such appropriation" (Rec. No. 221), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 103

NOES 19

Those who voted in the affirmative were:

Allen	Filley	Lazarus	Neuper	Staley
Baumes	Foley	Lee	Nolan	Stern
Bennett	Fowler	Leffingwell	Odell	Sullivan
Brady	Francis	Levy A J	Oliver	Surpless
Brennan	Frisbie	Lewis	Parker F B	Thompson
Brown C F	Garbe	Lowman	Parker J S	Thorn
Brown G W	Geoghegan	Lupton	Partridge	Voss
Burhyte	Gillen	MacGregor	Phillips C W	Waddell
Callan	Glore	Manley	Reed	Walters
Caughlan	Goldberg	Marks	Robinson	Ward
Clarke	Green	Martin	Schmidt	Waters
Colné	Gunderman	McCue	Scott	Weber
Conklin	Hackett	McElligott	Shea	Wende
Cuvillier	Haines	McFarlane	Sheridan	White I. H
De Groot	Hammond	McGrath	Silbermann	Whitley
Donnelly	Hann	McLaughlin	Smith A E	Whitney
Duell	Herrick	Millen	Smith C	Wood
Edwards	Hoey	Miller J L	Smith F L	Yale
Farrar	Lachman	Miller W G	Smith M	Young E
Fay	Lanahan	Murphy C F	Spielberg	Young F L
Fellows	Lansing	Murray		



Those who voted in the negative were:

Barden	Costello	Joseph	Merritt	Sanner
Baumann	Evans	Marlatt	Perkins	Sargent
Boshart	Hemenway	McKeon	Phillips J S	Schutta
Cheney	Howard	Mead	Rozan	

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

The bill (No. 2172) entitled "An act to create a forest reservation in the highlands of the Hudson river, to be known as the highlands of the Hudson forest reservation, to provide for its regulation and making an appropriation therefor" (Int. No. 874), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 144

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Joseph	Miller J L	Smith F L
Barden	Fellows	Klein	Miller W G	Staley
Bates	Filley	Lachman	Murphy C F	Stein
Baumann	Foley	Lanahan	Murphy F J	Stern
Baumes	Fowler	Lansing	Murray	Sullivan
Bennett	Francis	Lazarus	Neupert	Surpless
Bohan	Frisbie	Lee	Nolan	Thompson
Boshart	Garbe	Leffingwell	Odell	Thorn
Brady	Geoghegan	Levy A J	Oliver	Todd
Brennan	Gillen	Levy J	O'Neil	Toombs
Brown C F	Glore	Lewis	Parker F B	Travis
Brown G W	Glück	Lowe	Parker J S	Voss
Burhyte	Goldberg	Lowman	Partridge	Waddell
Callan	Goodspeed	Lupton	Perkins	Walter
Caughlan	Graubard	MacGregor	Phillips C W	Ward
Cheney	Gray	Manley	Phillips J S	Waters
Clarke	Green	Marks	Reed	Weaver
Colné	Gunderman	Marlatt	Robinson	Weber
Conklin	Hackett	Martin	Rozan	Wende
Costello	Haines	McCue	Sanner	White E H
Cuvillier	Hammond	McElligott	Sargent	White L H
De Groot	Hamn	McFarlane	Schmidt	Whitley
Donnelly	Hawley	McGrath	Schutta	Whitney
Draper	Hemenway	McInerney	Scott	Williams
Duell	Herrick	McKeon	Shea	Wood

Eagleton	Hoey	McLaughlin	Sheridan	Yale
Edwards	Howard	Mead	Silbermann	Young E
Evans	Jackson	Merritt	Smith A E	Young F L
Farrar	Jordan	Millen	Smith C	

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 2178) entitled "An act to amend section twenty-one of chapter ten of the Laws of eighteen hundred and fifty-nine, entitled 'An act to amend an act entitled "An act to revise, amend and consolidate the several acts relating to the village of Whitesboro," relative to sidewalks, streets and highways in said village'" (Int. No. 463), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 146

NOES 00

Those who voted in the affirmative were:

Allen	Fellows	Klein	Miller W G	Smith M
Barden	Filley	Lachman	Murphy C F	Spielberg
Bates	Foley	Lanahan	Murphy F J	Staley
Baumann	Fowler	Lansing	Murray	Stein
Baumes	Francis	Lazarus	Neupert	Stern
Bennett	Frisbie	Lee	Nolan	Sullivan
Bohan	Garbe	Leffingwell	Odell	Surpless
Boshart	Geoghegan	Levy A J	Oliver	Thompson
Brady	Gillen	Levy J	O'Neil	Thorn
Brennan	Glore	Lewis	Parker F B	Todd
Brown C F	Glück	Lowe	Parker J S	Toombs
Brown G W	Goldberg	Lowman	Partridge	Travis
Burhyte	Goodspeed	Lupton	Perkins	Voss
Callan	Graubard	MacGregor	Phillips C W	Waddell
Caughlan	Gray	Manley	Phillips J S	Walters
Cheney	Green	Marks	Reed	Ward
Clarke	Gundernan	Marlatt	Robinson	Waters
Colné	Hackett	Martin	Rozan	Weaver
Conklin	Haines	McCue	Sanner	Weber
Costello	Hammond	McElligott	Sargent	Wende
Cuvillier	Hamn	McFarlane	Schmidt	White E H
De Groot	Hawley	McGrath	Schutta	White L H
Donnelly	Hemenway	McInerney	Scott	Whitley
Draper	Herrick	McKeon	Shea	Whitney
Duell	Hoey	McLaughlin	Sheridan	Williams
Eagleton	Howard	Mead	Silbermann	Wood
Edwards	Jackson	Merritt	Smith A E	Yale
Evans	Jordan	Millen	Smith C	Young E
Farrar	Joseph	Miller J L	Smith F L	Young F L
Fav				

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have reconsidered their vote on the final passage of said bill, and, as amended, have again passed the same and request the concurrence of the Senate therein.

The bill (No. 1779) entitled "An act to amend the Liquor Tax Law, in relation to liquor tax" (Int. No. 1430), having been announced,

Mr. Oliver moved to place said bill on the laid aside calendar.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative.

Said bill was then read the second time.

On motion of Mr. Jordan, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 2140) entitled "An act to amend the Penal Code, in relation to permitting labor and secular business on the first day of the week by certain persons" (Int. No. 71), having been announced for a second reading,

On motion of Mr. A. J. Levy, said bill was laid aside, retaining its place on the order of second reading.

A message was received from the Senate, in words following:

IN SENATE, *April 16, 1909.*

Pursuant to concurrent resolution of the Senate and Assembly, the Governor returned the Senate bill (No. 362, reprint No. 1172, Rec. No. 31), entitled "An act authorizing the Roman Catholic Sisters of Charity of Brooklyn, New York, a benevolent and charitable corporation, to convey a portion of its real property located in the borough of Brooklyn, county of Kings, city and State of New York, to the Roman Catholic Orphan Asylum Society in the city of Brooklyn, in the county of Kings, also a benevolent and charitable corporation."

The vote upon the final passage of the said bill having been reconsidered, on motion of Mr. Brough, and by unanimous consent, the same was amended as follows:

Strike out the title and all after the enacting clause, and insert the following:

Section 1. The Roman Catholic Sisters of Charity of Brooklyn, New York, a benevolent and charitable corporation, organized and existing under the laws of the State of New York, is hereby authorized and empowered to grant and convey all its right, title and interest of, in and to the real property hereinafter described, and to execute and deliver the deed thereof, for



the consideration of one dollar, to the Roman Catholic Orphan Asylum Society in the city of Brooklyn, in the county of Kings, a benevolent and charitable corporation duly incorporated under the laws of the State of New York, and without making an application to the court; it being the purpose of this act to ratify, confirm and validate a deed heretofore made by the Roman Catholic Sisters of Charity of Brooklyn, New York, to said Roman Catholic Orphan Asylum Society in the city of Brooklyn, county of Kings, dated February fifteenth, eighteen hundred and eighty-six, recorded in Kings county register's office on the fifteenth day of February, eighteen hundred and eighty-six, in liber sixteen hundred and fifty-one of conveyances, page sixty. The following is a description of the real property herein referred to: All those fifty-two certain lots and parts of lots, together with the buildings thereon, being in ninth, now twenty-first, ward of city of Brooklyn, now borough of Brooklyn, city of New York, and distinguished on a certain map on file in Kings county register's office entitled 'Map of property in seventh and ninth ward of the city of Brooklyn belonging to Peter A. Delmonico' surveyed July, eighteen hundred and forty-nine, by John S. Stoddard by the numbers three hundred and ninety-five to four hundred and forty-six, both inclusive, and described as follows: Beginning at the southeast corner of Yates avenue, now Summer avenue, and Witherspoon street, now Vernon avenue, running thence easterly along the southerly side of Witherspoon street five hundred and eighty feet ten inches to land of D. S. Mills, junior; thence southeasterly along said land two hundred and eighty-one feet three inches to the northerly side of Willoughby avenue; thence westerly along the northerly side of Willoughby avenue six hundred and fifty-four feet nine inches to land now or late of one Vandervoort; thence north-easterly along said last mentioned land three feet to Yates avenue; and thence northerly along the easterly side of Yates avenue one hundred and ninety-seven feet ten inches to the point or place of beginning.

" § 2. This act shall take effect immediately."

Said bill, as amended, was reprinted, re-engrossed and having been on the desks of the members three legislative days, was passed and ordered sent to the Assembly for concurrence.

By order of the Senate,

LAFAYETTE B. GLEASON,

*Clerk.*

Said bill having been announced, Mr. Murray moved to reconsider the vote by which said bill was passed.

Mr. Speaker put the question whether the House would agree to the reconsideration of the vote on the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 142

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Lachman	Miller W G	Smith F L
Barden	Fellows	Lanahan	Murphy C F	Staley
Bates	Filley	Lansing	Murphy F J	Stein
Baumann	Foley	Lazarus	Murray	Stern
Baumes	Fowler	Lee	Neupert	Sullivan
Bennett	Francis	Leffingwell	Nolan	Surpless
Bohan	Frisbie	Levy A J	Odell	Thompson
Boshart	Garbe	Levy J	Oliver	Thorn
Brady	Geoghegan	Lewis	O'Neil	Todd
Brennan	Gillen	Lowe	Parker F B	Toombs
Brown C F	Glore	Lowman	Parker J S	Travis
Brown G W	Glück	Lupton	Partridge	Voss
Burhyte	Goldberg	MacGregor	Perkins	Waddell
Callan	Goodspeed	Manley	Phillips C W	Walters
Caughlan	Graubard	Marks	Phillips J S	Ward
Cheney	Gray	Marlatt	Reed	Waters
Clarke	Green	Martin	Robinson	Weaver
Colné	Gunderman	McCue	Rozan	Weber
Conklin	Hackett	McElligott	Sanner	Wende
Costello	Haines	McFarlane	Sargent	White E H
Cuvillier	Hammond	McGrath	Schmidt	White L H
De Groot	Hamn	McInerney	Schutta	Whitley
Donnelly	Hawley	McKeon	Scott	Whitney
Draper	Hemenway	McLaughlin	Shea	Williams
Duell	Herrick	Mead	Sheridan	Wood
Eagleton	Hoey	Merritt	Silbermann	Yale
Edwards	Howard	Millen	Smith A E	Young E
Evans	Joseph	Miller J L	Smith C	Young F L
Farrar	Klein			

Said bill, as amended, was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 142

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Lachman	Miller W G	Smith F L
Barden	Fellows	Lanahan	Murphy C F	Staley
Bates	Filley	Lansing	Murphy F J	Stein
Bauman <sup>n</sup>	Foley	Lazarus	Murray	Stern
Baumes	Fowler	Lee	Neupert	Sullivan
Bennett	Francis	Leffingwell	Nolan	Surpless
Bohan	Frisbie	Levy A J	Odell	Thompson
Boshart	Garbe	Levy J	Oliver	Thorn
Brady	Geoghegan	Lewis	O'Neil	Todd
Brennan	Gillen	Lowe	Parker F B	Toombs
Brown C F	Glore	Lowman	Parker J S	Travis
Brown G W	Glück	Lupton	Partridge	Voss
Burhyte	Goldberg	MacGregor	Perkins	Waddell
Callan	Goodspeed	Manley	Phillips C W	Walters
Caughlan	Graubard	Marks	Phillips J S	Ward
Cheney	Gray	Marlatt	Reed	Waters
Clarke	Green	Martin	Robinson	Weaver
Colne	Gunderman	McCue	Roza	Weber
Conklin	Hackett	McElligott	Sanner	Wende
Costello	Haines	McFarlane	Sargent	White E H
Cuvillier	Hammond	McGrath	Schmidt	White L H
De Groot	Hann	McInerney	Schutta	Whitley
Donnelly	Hawley	McKeon	Scott	Whitney
Draper	Hemenway	McLaughlin	Shea	Williams
Duell	Herrick	Mead	Sheridan	Wood
Eagleton	Hoey	Merritt	Silbermann	Yale
Edwards	Howard	Millen	Smith A E	Young E
Evans	Joseph	Miller J L	Smith C	Young F L
Farrar	Klein			

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have reconsidered their vote on the final passage of said bill, and, as amended, have again passed the same.

The Senate returned the Assembly bill (No. 1503, Senate reprint No. 1176, Int. No. 653) entitled "An act in relation to the municipal commission and the police, fire, sewer, water and light departments of the village of Herkimer, and repealing certain acts relating thereto," with a message that they have concurred in the passage of the same, with the following amendments:

Page 7, line 12, after the word "trim" strike out the words "or cut down".

Page 13, line 9, before the first "and" insert the word "in".

Mr. Fellows moved to concur in the Senate amendments.

Mr. Speaker put the question whether the House would concur in said amendments, said bill having been printed and upon the



desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 142

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Lachman	Miller W G	Smith F L
Barden	Fellows	Lanahan	Murphy C F	Staley
Bates	Filley	Lansing	Murphy F J	Stein
Baumann	Foley	Lazarus	Murray	Stern
Baumes	Fowler	Lee	Neupert	Sullivan
Bennett	Francis	Leffingwell	Nolan	Surpless
Bohan	Frisbie	Levy A J	Odell	Thompson
Boshart	Garbe	Levy J	Oliver	Thorn
Brady	Geoghegan	Lewis	O'Neil	Todd
Brennan	Gillen	Lowe	Parker F B	Toombs
Brown C F	Glore	Lowman	Parker J S	Travis
Brown G W	Glück	Lupton	Partridge	Voss
Burhyte	Goldberg	MacGregor	Perkins	Waddell
Callan	Goodspeed	Manley	Phillips C W	Walters
Caughlan	Graubard	Marks	Phillips J S	Ward
Cheney	Gray	Marlatt	Reed	Waters
Clarke	Green	Martin	Robinson	Weaver
Colné	Gunderman	McCue	Rozan	Weber
Conklin	Hackett	McElligott	Sanner	Wende
Costello	Haines	McFarlane	Sargent	White E H
Cuvillier	Hammond	McGrath	Schmidt	White L H
De Groot	Hamn	McInerney	Schutta	Whitley
Donnelly	Hawley	McKeon	Scott	Whitney
Draper	Hemenway	McLaughlin	Shea	Williams
Duell	Herrick	Mead	Sheridan	Wood
Eagleton	Hoey	Merritt	Silbermann	Yale
Edwards	Howard	Millen	Smith A E	Young E
Evans	Joseph	Miller J L	Smith C	Young F L
Farrar	Klein			

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendments of the Senate thereto.

The Senate returned the Assembly bill (No. 1662, Senate reprint No. 1170, Int. No. 1079) entitled "An act to amend the Agricultural Law, in relation to concentrated commercial feeding stuffs," with a message that they have concurred in the passage of the same, with the following amendments:

Page 2, strike out all of lines 7 and 8 down to and including the comma after the word "feed".

Page 2, line 17, strike out the "[ " before the word "nor", and on line 19 strike out the "]" after "the" after the word "feed".

Page 4, line 26, insert “,” after the word “shall”.

Page 5, line 1, after the word “every” insert “brand of concentrated commercial”. On the same line insert “[ ” before the word “bearing” and after the word “mark]”.

Mr. Boshart moved to concur in the Senate amendments.

Mr. Speaker put the question whether the House would concur in said amendments, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 142

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Lachman	Miller W G	Smith F L
Barden	Fellows	Lanahan	Murphy C F	Staley
Bates	Filley	Lansing	Murphy F J	Stein
Baumann	Foley	Lazarus	Murray	Stern
Baumes	Fowler	Lee	Neupert	Sullivan
Bennett	Francis	Leffingwell	Nolan	Surpluss
Bohan	Frisbie	Levy A J	Odell	Thompson
Boshart	Garbe	Levy J	Oliver	Thorn
Brady	Geoghegan	Lewis	O'Neil	Todd
Brennan	Gillen	Lowe	Parker F B	Toombs
Brown C F	Glore	Lowman	Parker J S	Travis
Brown G W	Glück	Lupton	Partridge	Voss
Burhyte	Goldberg	MacGregor	Perkins	Waddell
Callan	Goodspeed	Manley	Phillips C W	Walters
Caughlan	Graubard	Marks	Phillips J S	Ward
Cheney	Gray	Marlatt	Reed	Waters
Clarke	Green	Martin	Robinson	Weaver
Colné	Gunderman	McCue	Rozan	Weber
Conklin	Hackett	McElligott	Sanner	Wende
Costello	Haines	McFarlane	Sargent	White E H
Cuvillier	Hammond	McGrath	Schmidt	White L H
De Groot	Hamn	McInerney	Schutta	Whitley
Donnelly	Hawley	McKeon	Scott	Whitney
Draper	Hemenway	McLaughlin	Shea	Williams
Duell	Herrick	Mead	Sheridan	Wood
Eagleton	Hoey	Merritt	Silbermann	Yale
Edwards	Howard	Millen	Smith A E	Young E
Evans	Joseph	Miller J L	Smith C	Young F L
Farrar	Klein			

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendments of the Senate thereto.

The Senate sent for concurrence a resolution, in the words following:

IN SENATE, ALBANY, *April 20, 1909.*

Resolved (if the Assembly concur), That a respectful message be sent to the Governor, requesting the return of Senate bill (No. 546, Rec. No. 117), entitled "An act to amend the Tax Law, in relation to the dismissal of suits or proceedings brought to collect a personal tax in arrears," for the purpose of amendment.

By order of the Senate,

LAFAYETTE B. GLEASON,  
*Clerk.*

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk return said resolution to the Senate, with a message that the Assembly have concurred in the passage of the same.

The Senate sent for concurrence a resolution, in the words following:

IN SENATE, ALBANY, *April 20, 1909.*

Resolved (if the Assembly concur), That a respectful message be sent to the Governor, requesting the return of Senate bill (No. 34, Rec. No. 68), entitled "An act to amend section six of the Land Title Registration Law, chapter four hundred and forty-four of the Laws of nineteen hundred and eight, in relation to the powers of an assistant deputy register," for the purpose of amendment.

By order of the Senate,

LAFAYETTE B. GLEASON,  
*Clerk.*

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk return said resolution to the Senate, with a message that the Assembly have concurred in the passage of the same.

The Senate returned Assembly bill (No. 892, Senate reprint No. 1232, Int. No. 433) entitled "An act making appropriations for the support of government," with a message that they have agreed to the request for a committee of conference thereon, and that the President has appointed Messrs. Allds, Cordts and Frawley as such committee on the part of the Senate.



Mr. Speaker appointed Messrs. Merritt, J. S. Phillips, Wood, Lansing and Frisbie as such committee on the part of the Assembly.

Ordered, That the Clerk return said bill to the Senate, with a message that Mr. Speaker has appointed Messrs. Merritt, J. S. Phillips, Wood, Lansing and Frisbie as such committee on the part of the Assembly.

The Senate returned the bill (No. 1043, Int. No. 939) entitled "An act to amend the General Corporation Law, in relation to the amount of property nonstock corporations may hold."

Also, the bill (No. 1857, Int. No. 1472) entitled "An act to amend the Canal Law, in relation to the powers of the Superintendent of Public Works in respect to certain dams and locks on the Saranac river."

Also, the bill (No. 1396, Int. No. 373) entitled "An act to amend the Railroad Law, in relation to the protection of street railroad employees in the counties of Kings and Queens."

Also, the bill (No. 1598, Int. No. 1329) entitled "An act to amend the Military Law, in relation to pay and allowances."

Also, the bill (No. 2149, Int. No. 1625) entitled "An act to legalize certain bonds of the county of Otsego in the sum of sixty thousand dollars for highway improvements," with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk deliver said bills to the Governor.

Also, the bill (No. 2173, Int. No. 205) entitled "An act to amend the Code of Criminal Procedure, relative to the appointment of stenographers to take evidence before grand juries and at coroners' inquests and examinations and trials of criminal cases," with a message that they have reconsidered their vote by which said bill passed, and, as amended, have again passed the same.

Ordered, That the Clerk deliver said bill to the Governor.

Also, the bill (No. 621, Int. No. 586) entitled "An act vesting in the city of Binghamton the estate, right, title, interest and property of a portion of the Chenango canal extension lands, for the purpose of a public park," with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk transmit a certified copy thereof to the mayor of Binghamton.

The Senate returned the Assembly bill (No. 1398, Senate reprint No. 1226, Int. No. 549) entitled "An act to legalize proceedings heretofore had for the paving of certain streets in the village of Waterford, the issuance and sale of bonds to pay part of the cost thereof, and to authorize the execution and delivery of such bonds, the resale thereof under certain conditions, and the raising of taxes to pay the principal and interest thereof.

Also, Assembly bill (No. 921, Senate reprint No. 685, Int. No. 687) entitled "An act to amend chapter three hundred and forty-two of the Laws of nineteen hundred and two, entitled 'An act to make the office of supervisor in the county of Westchester a salaried office and to regulate the sessions of the board of supervisors in said county,' in relation to compensation of supervisors."

Ordered, That the Clerk deliver said bills to the Governor.

Also, the bill (No. 2021, Int. No. 1341) entitled "An act to amend the Highway Law, in relation to the removal of obstructions caused by snow."

Also, the bill (No. 614, Int. No. 579) entitled "An act to amend the Code of Criminal Procedure, in relation to security required from disorderly person."

Also, the bill (No. 1723, Int. No. 1128) entitled "An act to amend the Membership Corporations Law, relative to certificates of incorporation of hospital corporations."

Also, the bill (No. 2066, Int. No. 501) entitled "An act to amend chapter three hundred and nineteen of the Laws of nineteen hundred and seven, entitled 'An act in furtherance of the commission heretofore created to confer with the Governor and the Legislature of the State of New Jersey for the purpose of developing a system of transit between the city of New York and the State of New Jersey, extending its powers and making an appropriation therefor,' in relation to continuing such commission and making an appropriation therefor."

Also, the bill (No. 1550, Int. No. 1313) entitled 'An act to amend the Tax Law, in relation to proceedings upon return to writ of certiorari,' with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk deliver said bills to the Governor.

A communication was received from Hon. Francis M. Hugo, mayor of the city of Watertown, returning Assembly bill (No. 1521, Int. No. 991), entitled "An act to amend chapter seven hundred and sixty of the Laws of eighteen hundred and ninety-seven, entitled 'An act to revise the charter of the city of Watertown,' in relation to the firemen's pension fund," with a message that said mayor and the common council of said city, after a public hearing thereon, do approve said bill and accept the same.

Ordered, That the Clerk deliver said bill to the Governor.

A communication was received from Hon. George B. McClellan, mayor of the city of New York, returning Assembly bill (No. 1264, Int. No. 1111), entitled "An act to amend chapter five hundred and eighty of the Laws of nineteen hundred and two, entitled 'An act in relation to the Municipal Court of the city of New York, its officers and marshals,' relative to allowing taxable disbursements on opening defaults," with a message that said mayor, after a public hearing thereon, does approve said bill and accept the same.

Ordered, That the Clerk deliver said bill to the Governor.

On motion of Mr. Merritt, the House adjourned.

## WEDNESDAY, APRIL 21, 1909.

The House met pursuant to adjournment.

Prayer by Rev. J. O. VanFleet, New Baltimore.

On motion of Mr. Merritt, the reading of the journal of yesterday was dispensed with and the same was approved.

Mr. Speaker presented the annual report of the American Life Saving Society, which was laid upon the table and ordered printed.

(See Assembly Document No. 71.)

Mr. Hoey gives notice that he requests that Assembly bill (No. 2211, Int. No. 879), entitled "An act to amend the Greater New York charter in relation to the appointment and compensation of drivers of postal wagons," a copy of which is hereto annexed, be



made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Fowler gives notice that he requests that Assembly bill (No. 2014, Int. No. 1460), entitled "An act to amend the Public Printing Law," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. J. S. Phillips gives notice that he requests that Assembly bill (No. 2262, Int. No. 1695), entitled "An act to amend the Forest, Fish and Game Law, in relation to taking bass in certain waters in Allegany county," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Voss gives notice that he requests that Assembly bill (No. 443, Int. No. 427), entitled "An act to amend the Greater New York charter, relative to inspection of boilers and engines, and the qualification and licensing of engineers," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Callan gives notice that he requests that Assembly bill (No. 2261, Int. No. 1693), entitled "An act to legalize, ratify and confirm the proceedings of the trustees and officers and legal voters of the village of Valatie, relative to the issuance and sale of certain bonds of said village of Valatie," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Fowler gives notice that he requests that Assembly bill (No. 2227, Int. No. 1676), entitled "An act to amend chapter sixty-five of the Laws of nineteen hundred and six," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Glore gives notice that he requests that Assembly bill (No.

2241, Int. No. 1178), entitled "An act to amend the Agricultural Law, in relation to skim-milk or skim-cheese," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Lupton gives notice that he requests that Assembly bill (No. 2254, Int. No. 1353), entitled "An act to authorize the several towns in the county of Suffolk to establish police districts outside the limits of any incorporated village therein, and to elect within such districts by ballot one police justice, three commissioners, and to provide for police patrolmen within said districts," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Millen gives notice that he requests that Assembly bill (No. 2257, Int. No. 1689), entitled "An act for the relief of the town of Fremont, in the county of Sullivan," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Merritt gives notice that he requests that Assembly bill (No. 2228, Int. No. 1677), entitled "An act to amend the Education Law, relating to the board of trustees and treasurer of the State School of Agriculture at Saint Lawrence University," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Merritt gives notice that he requests that Assembly bill (No. 2235, Int. No. 1684), entitled "An act to make an appropriation for the payment of the judgments of the Court of Claims, in claims other than those on account of the canals of the State," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Merritt gives notice that he requests that Assembly bill (No. 2236, Int. No. 1685), entitled "An act to make an appropri-

ation for the payment of the judgments of the Court of Claims, in claims arising on account of the canals of the State," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Merritt gives notice that he requests that Assembly bill (No. 2258, Int. No. 1690), entitled "An act making an appropriation for the Attorney-General," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Sargent gives notice that he requests that Assembly bill (No. 2038, Int. No. 1558), entitled "An act to incorporate the Providence Hospital," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Stein gives notice that he requests that Assembly bill (No. 2224, Int. No. 1673), entitled "An act authorizing and empowering the board of estimate and apportionment of the city of New York to select and designate a site for an armory within the territory of Crotona Park, in the borough of the Bronx, city of New York," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Martin gives notice that he requests that Assembly bill (No. 2286, Int. No. 1713), entitled "An act making provision for issuing bonds to the amount of not to exceed seven million dollars for the improvement of the Cayuga and Seneca canals, and providing for a submission of the same to the people to be voted upon at the general election to be held in the year nineteen hundred and nine," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Toombs gives notice that he requests that Assembly bill (No. 2225, Int. No. 1674), entitled "An act to amend the De-



cedent Estate Law, in relation to the authentication of foreign wills, records and papers relating to decedent's estates," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Thompson gives notice that he requests that Assembly bill (No. 2046, Int. No. 1569), entitled "An act to amend the Greater New York charter, relative to granting authority to the commissioners of the sinking fund to lease or grant interests or rights in lands acquired by the city outside the limits of said city," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Whitley gives notice that he requests that Assembly bill (No. 2198, Int. No. 1661), entitled "An act to amend the Judiciary Law, in relation to the salary of the stenographer of the County Court of Monroe county," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Whitley gives notice that he requests that Assembly bill (No. 2197, Int. No. 1660), entitled "An act to amend chapter seven hundred and fifty-five of the Laws of nineteen hundred and seven, entitled 'An act constituting the charter of the city of Rochester,' in relation to the Municipal Court," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Williams gives notice that he requests that Assembly bill (No. 970, Int. No. 871), entitled "An act to amend chapter nineteen of the Consolidated Laws, being the Forest, Fish and Game Law in relation to the open season for trout in Delaware county," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. E. Young gives notice that he requests that Assembly bill

(No. 2260, Int. No. 1692), entitled "An act to authorize the board of trustees of the village of Ellenville, to provide for a supply of water for such village and to raise the necessary funds therefor by issuing and selling village bonds, a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Waters gives notice that he requests that Senate bill introduced by Mr. Grattan (No. 939, Int. No. 246), entitled "An act to amend the Tax Law, in relation to the salary of the transfer tax clerk in Albany county," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Nolan gives notice that he requests that Senate bill introduced by Mr. Grattan (No. 834, Int. No. 248), entitled "An act to amend chapter two hundred and eighteen of the Laws of eighteen hundred and eighty-four, entitled 'An act to regulate the commitment and discharge of certain prisoners, tramps and vagrants in Albany county, and to prescribe the effect thereof, to provide for the support of prisoners in the jail in the city of Albany and to fix the duties and compensation of the sheriff of said county and of certain employees in the jail in said city,' in relation to the compensation of the sheriff and his employees," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Nolan gives notice that he requests that Senate bill introduced by Mr. Grattan (No. 833, Rec. No. 247), entitled "An act in relation to certain deputy sheriffs in the county of Albany," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Waters gives notice that he requests that Senate bill introduced by Mr. Grattan (No. 730, Rec. No. 171), entitled "An act to amend the Code of Civil Procedure in relation to payment of moneys deposited in court in actions for partition," a copy of

which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. J. S. Phillips gives notice that he requests that Senate bill introduced by Mr. Hamilton (No. 906, Rec. No. 178), entitled "An act to amend section two hundred and sixty of the Consolidated Real Property Law, constituting chapter fifty of the Consolidated Laws," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Francis gives notice that he requests that Assembly bill (No. 64, Int. No. 64), entitled "An act to confer jurisdiction upon the Court of Claims to hear and determine any and all claims against the State for damages alleged to have been sustained by any juror serving in any court of record in the State and to render judgment thereof," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Robinson gives notice that he requests that the Senate bill introduced by Mr. Hill (No. 881, Rec. No. 147), entitled "An act to amend the Penal Law, in relation to the unauthorized use of vehicles," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Burhyte gives notice that he requests that Assembly bill (No. 2290, Int. No. 1687), entitled "An act to revise, consolidate and amend generally chapter two hundred and twenty-five of the Laws of nineteen hundred and one, known as 'The Charter of the City of Oneida,' and the several acts amendatory thereof, and repealing certain acts," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Partridge gives notice that he requests that Assembly bill (No. 2016, Int. No. 1005), entitled "An act to make the office of



supervisor in the county of Fulton a salaried office," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. McNerney gives notice that he requests that Assembly bill (No. 1252, Int. No. 1099), entitled "An act to amend the Code of Civil Procedure, relative to personal service of summons upon certain unincorporated associations," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

The Senate sent for concurrence the following entitled bills:

"An act to amend section four of chapter one hundred and forty-seven of the Laws of nineteen hundred and three, entitled 'An act making provision for issuing bonds to the amount of not to exceed one hundred and one million dollars for the improvement of the Erie canal, the Oswego canal and the Champlain canal, and providing for a submission of the same to the people to be voted upon at the general election to be held in the year nineteen hundred and three.' as amended by chapter three hundred and sixty-five of the Laws of nineteen hundred and six, and chapter one hundred and ninety-six of the Laws of nineteen hundred and eight, relative to the full control by the State of the waters impounded, created and to be discharged as the result of the construction of any dam, mole, reservoir or other structure as part of the improved canal system" (No. 1182, Rec. No. 238), which was read the first time and referred to the committee on ways and means.

"An act to amend chapter five hundred and twenty-nine of the Laws of eighteen hundred and ninety-eight, entitled 'An act authorizing the city of Rensselaer to use certain lands for park purposes,' in relation to the construction of a monument to the memory of the soldiers and sailors of the city of Rensselaer in place of mounting a cannon, as provided in said chapter, at the expense of said city, and authorizing its common council to provide moneys therefor by issuing city bonds" (No. 1291, Rec. No. 239), which was read the first time and referred to the committee on affairs of cities.

"An act to authorize and empower the comptroller of the city of New York, in his discretion, to cancel and annul certain assessments in said city " (No. 444, Rec. No. 240), which was read the first time and referred to the committee on affairs of cities.

"An act to amend the Liquor Tax Law, in relation to persons to whom liquor shall not be sold or given away " (No. 1292, Rec. No. 241), which was read the first time and referred to the committee on excise.

"An act to amend the Insurance Law, in relation to the investment of capital and surplus (No. 1028, Rec. No. 242), which was read the first time and referred to the committee on insurance.

"An act to amend the Labor Law, in relation to the powers of the Commissioner of Labor " (No. 696, Rec. No. 243), which was read the first time and referred to the committee on labor and industries.

"An act to amend section sixteen hundred and seventy-four of the Code of Civil Procedure, in relation to the cancellation of lis pendens " (No. 1315, Rec. No. 244), which was read the first time and referred to the committee on codes.

"An act to legalize the bonds of the village of Canajoharie, New York, issued and to be issued for the following purposes, namely: Defraying the expense of establishing a system of water works in and for said village and supplying its inhabitants with water, defraying the expense of paving and curbing Church street in said village and providing said street with a storm sewer, defraying the expense of constructing a fifteen-duct conduit in said village for the purpose of providing underground accommodations for public service wires and cables, and to legalize all proceedings of the board of trustees of said village in relation and subsequent thereto, and to provide for the principal and interest of said bonds, and to legalize all proceedings of the board of trustees in relation thereto, including the several resolutions submitted to the qualified electors of said village at special elections held on the thirtieth day of June, nineteen hundred and eight, on the twenty-eighth day of August, nineteen hundred and eight, on the tenth day of October, nineteen hundred and eight, and on the thirtieth day of January, nineteen hundred and nine, and legalizing the vote on each and all of said propositions submitted at

the said special elections as aforesaid " (No. 1289, Rec. No. 245), which was read the first time and referred to the committee on affairs of villages.

"An act to amend the Tax Law, in relation to the salary of the transfer tax clerk in Albany county" (No. 939, Rec. No. 246), which was read the first time and referred to the committee on internal affairs.

"An act in relation to certain deputy sheriffs, in the county of Albany" (No. 833, Rec. No. 247), which was read the first time and referred to the committee on internal affairs.

"An act to amend chapter two hundred and eighteen of the Laws of eighteen hundred and eighty-four, entitled 'An act to regulate the commitment and discharge of certain prisoners, tramps and vagrants in Albany county, and to prescribe the effect thereof, to provide for the support of the prisoners in the jail in the city of Albany and to fix the duties and compensation of the sheriff of said county and of certain employees in the jail in said city,' in relation to the compensation of the sheriff and his employees" (No. 834, Rec. No. 248), which was read the first time and referred to the committee on internal affairs.

"An act to amend the Greater New York charter, in relation to Municipal Court districts in the borough of Queens" (No. 457, Rec. No. 249), which was read the first time and referred to the committee on affairs of cities.

"An act to amend the Village Law, in relation to establishment of boards of park commissioners and defining their powers and duties" (No. 965, Rec. No. 250), which was read the first time and referred to the committee on affairs of villages.

"An act to amend the General Business Law, in relation to the delivery of coal" (No. 1144, Rec. No. 251), which was read the first time and referred to the committee on general laws.

"Concurrent resolution of the Senate and Assembly proposing an amendment to section twenty-seven of article three of the Constitution, in relation to the powers and duties of supervisors and county auditors or other fiscal officers" (No. 240, Rec. No. 252), which was read the first time and referred to the committee on the judiciary.

"An act providing for the establishment of a State school of



agriculture and domestic science and kindred subjects at Delhi, Delaware county, and making an appropriation therefor" (No. 296, Rec. No. 253), which was read the first time and referred to the committee on ways and means.

"An act to amend section fifteen hundred and forty-three-a of the Greater New York charter, in relation to employees in the office of the borough president or any of the bureaus thereof" (No. 528, Rec. No. 254), which was read the first time and referred to the committee on affairs of cities.

"An act to amend chapter seven hundred and twenty-four of the Laws of nineteen hundred and five, entitled 'An act to provide for an additional supply of pure and wholesome water to the city of New York, and for the acquisition of lands or interest therein, and for the construction of the necessary reservoirs, dams, aqueducts, filters, and other appurtenances for that purpose; and for the appointment of a commission with the powers and duties necessary and proper to attain these objects,' relative to agreement as to direct or consequential damages" (No. 1318, Rec. No. 255), which was read the first time and referred to the committee on electricity, gas and water supply.

"An act to amend the Military Law, in relation to armories" (No. 508, Rec. No. 256), which was read the first time and referred to the committee on military affairs.

"An act to amend the Railroad Law, in relation to the rate of fare on railroads operated by steam in cities of over one million inhabitants" (No. 162, Rec. No. 257), which was read the first time and referred to the committee on railroads.

"An act to amend the street railway fares in all cities" (No. 178, Rec. No. 258), which was read the first time and referred to the committee on railroads.

"An act to amend 'An act in relation to legislation, constituting chapter thirty-two of the Consolidated Laws,' in regard to the publication of laws passed by the Legislature, in four newspapers in the county of New York" (No. 640, Rec. No. 259), which was read the first time and referred to the committee on the judiciary.

"An act to authorize the commissioner of police of the city of New York to grant a pension to Adeliya Petrosino, widow of

Joseph Petrosino" (No. 1316, Rec. No. 260), which was read the first time.

On motion of Mr. Oliver, and by unanimous consent, said bill was read the second time and ordered to a third reading.

On motion of Mr. Oliver, and by unanimous consent, said bill was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 135

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Lanahan	Murphy C F ]	Stein
Barden	Filley	Lansing	Murphy F J	Stern
Bates	Foley	Lazarus	Murray	Sullivan
Baumann	Fowler	Lee	Neupert	Surpless
Baumes	Francis	Leffingwell	Nolan	Thompson
Bennett	Frisbie	Levy A J	Odell	Thorn
Boshart	Garbe	Levy J	Oliver	Todd
Brady	Geoghegan	Lewis	O'Neil	Toombs
Brown C F	Gillen	Lowe	Parker F B	Travis
Brown G W	Glore	Lowman	Parker J S	Voss
Burbyte	Goldberg	Lupton	Partridge	Waddell
Callan	Goodspeed	MacGregor	Perkins	Walters
Caughlan	Graubard	Manley	Phillips C W	Ward
Cheney	Gray	Marks	Phillips J S	Waters
Clarke	Green	Marlatt	Reed	Weaver
Colné	Gunderman	Martin	Robinson	Weber
Conklin	Hackett	McCue	Rozan	Weimert
Costello	Haines	McElligott	Sanner	Wende
Cuvillier	Hammond	McFarlane	Sargent	White E H
De Groot	Hamn	McGrath	Schutta	White L H
Donnelly	Hawley	McInerney	Scott	Whitley
Draper	Hemenway	McLaughlin	Shea	Whitney
Duell	Hoey	Mead	Smith A E	Williams
Eagleton	Howard	Merritt	Smith C	Wood
Edwards	Jordan	Millen	Smith F L	Yale
Evans	Klein	Miller J I	Spielberg	Young E
Farrar	Lachman	Miller W G	Stoley	Young F L

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

"An act to amend the Real Property Law, relative to the execution of certificates of payment and discharge of mortgages in

counties wholly embraced within cities of the first class" (No. 1312, Rec. No. 261), which was read the first time and referred to the committee on the judiciary.

"An act to amend the Public Health Law, relating to the appointment of health officers" (No. 563, Rec. No. 262), which was read the first time and referred to the committee on public health.

"An act to amend the Greater New York charter, relative to increasing the number of police clerks' assistants in the city magistrates' courts of the first division of the city of New York" (No. 1319, Rec. No. 263), which was read the first time and referred to the committee on affairs of cities.

"An act to amend section forty of the Highway Law, relating to town superintendent of highways" (No. 1184, Rec. No. 264), which was read the first time and referred to the committee on internal affairs.

"An act to amend chapter three hundred of the Laws of nineteen hundred and four, entitled 'An act to revise and consolidate the several acts relative to the city of Niagara Falls,' relative to the powers and duties of the board of water commissioners" (No. 738, Rec. No. 265), which was read the first time and referred to the committee on affairs of cities.

By unanimous consent, the following bills were introduced:

Mr. Hamm introduced a bill entitled "An act to amend the Education Law, in relation to the establishment of a State school of agriculture in the town of Lyons, county of Wayne, providing for its management and control, and making an appropriation therefor" (Int. No. 1736), which was read the first time and referred to the committee on ways and means.

Mr. Frisbie introduced a bill entitled "An act to authorize the village of Middleburgh, in Schoharie county, to acquire the title of an old and abandoned burying ground in the village, and to establish and maintain a public park or square thereon" (Int. No. 1737), which was read the first time and referred to the committee on affairs of villages.

Mr. Marks introduced a bill entitled "An act authorizing the Temple Israel of Harlem, a religious corporation, to increase the number of its trustees from nine to any number not exceeding



fifteen" (Int. No. 1738), which was read the first time and referred to the committee on charitable and religious societies.

Mr. McElligott introduced a bill entitled "An act to amend chapter five hundred and eighty of the Laws of nineteen hundred and two, entitled 'An act in relation to the Municipal Court of the city of New York, its officers and marshals,' in relation to costs" (Int. No. 1739), which was read the first time and referred to the committee on codes.

Mr. Mead introduced a bill entitled "An act to amend the Town Law, in relation to peace officers and the expense thereof in the towns of counties adjoining cities of the first class" (Int. No. 1740), which was read the first time and referred to the committee on internal affairs.

Mr. Merritt introduced a bill entitled "An act making an appropriation for the State Commission of Highways for the maintenance and repair of public highways improved or constructed by State aid" (Int. No. 1741), which was read the first time and referred to the committee on ways and means.

Also, "An act making an appropriation for highway improvement purposes" (Int. No. 1742), which was read the first time and referred to the committee on ways and means.

Mr. F. B. Parker introduced a bill entitled "An act to amend the Indian Law, in relation to the devolution of property of persons of the Tonawanda nation of Seneca Indians, by will and by descent and distribution" (Int. No. 1743), which was read the first time and referred to the committee on Indian affairs.

Mr. Robinson introduced a bill entitled "An act making an appropriation for the New York State Hospital for the Care of Crippled and Deformed Children" (Int. No. 1744), which was read the first time and referred to the committee on ways and means.

Mr. Duell introduced a bill entitled "An act relating to the repaving of street and highways in the city of Mount Vernon which have once been paved at the expense of abutting property, in whole or in part, and authorizing such city to raise money therefor by the issue of bonds" (Int. No. 745), which was read the first time and referred to the committee on affairs of cities.

Mr. Duell introduced a bill entitled "An act to amend the Poor Law, in relation to the method of estimating the sums to be raised by taxation in any town for the support of the poor therein" (Int. No. 1746), which was read the first time and referred to the committee on internal affairs.

Mr. Millen introduced a bill entitled "An act to amend the Public Health Law, in relation to the application of certain provisions to the village of Saranac Lake and the town and village of Liberty in the county of Sullivan" (Int. No. 1747), which was read the first time and referred to the committee on public health.

Mr. Williams introduced a bill entitled "An act to amend the Forest, Fish and Game Law, in relation to spearing in the Delaware river in the town of Middletown, Delaware county" (Int. No. 1748), which was read the first time and referred to the committee on fisheries and game.

Mr. Speaker, from the committee on rules, to which was referred Assembly bill introduced by Mr. Fowler (No. 2014, Int. No. 1460), entitled "An act to amend the State Printing Law, generally."

Also, Assembly bill introduced by Mr. Hoey (No. 2211, Int. No. 879), entitled "An act to amend the Greater New York charter, in relation to the appointment and compensation of drivers of patrol wagons."

Also, Assembly bill introduced by Mr. J. S. Phillips (No. 2262, Int. No. 1695), entitled "An act to amend the Forest, Fish and Game Law, in relation to taking bass in certain waters of Allegany county."

Also, Assembly bill introduced by Mr. Voss (No. 443, Int. No. 427), entitled "An act to amend the Greater New York charter, relative to inspection of boilers and engines, and the qualification and licensing of engineers," reported in favor of the passage of the same without amendment, and that the same be made special orders on third reading immediately, which report was agreed to, and said bills ordered made special orders on third reading immediately.

Mr. Speaker, from the committee on rules, to which was referred Assembly bill introduced by Mr. Callan (No. 2261, Int. No. 1693), entitled "An act to legalize, ratify and confirm the pro-

ceedings of the trustees and officers and legal voters of the village of Valatie, relative to the issuance and sale of certain bonds of said village of Valatie."

Also, Assembly bill introduced by Mr. Fowler (No. 2227, Int. No. 1676), entitled "An act to amend chapter sixty-five of the Laws of nineteen hundred and six, entitled 'An act to make the office of sheriff of Ulster county a salaried office, and to regulate the management thereof,' in relation to mileage."

Also, Assembly bill introduced by Mr. Glore (No. 2241, Int. No. 1178), entitled "An act to amend the Agricultural Law, in relation to skim-milk and skim-cheese."

Also, Assembly bill introduced by Mr. Lupton (No. 2254, Int. No. 1353), entitled "An act to authorize the several towns in the county of Suffolk to establish police districts outside the limits of any incorporated village therein, and to elect within such districts by ballot one police justice, three commissioners, and to provide for police patrolmen within said districts."

Also, Assembly bill introduced by Mr. Millen (No. 2257, Int. No. 1689), entitled "An act for the relief of the town of Fremont, in the county of Sullivan."

Also, Assembly bill introduced by Mr. Merritt (No. 2228, Int. No. 1677), entitled "An act to amend the Education Law, relating to the board of trustees and treasurer of the State School of Agriculture at Saint Lawrence University."

Also, Assembly bill introduced by Mr. Merritt (No. 2235, Int. No. 1684), entitled "An act to make an appropriation for the payment of the judgments of the Court of Claims, in claims other than those on account of the canals of this State."

Also, Assembly bill introduced by Mr. Merritt (No. 2236, Int. No. 1685), entitled "An act to make an appropriation for the payment of the judgments of the Court of Claims, in claims arising on account of the canals of this State."

Also, Assembly bill introduced by Mr. Merritt (No. 2258, Int. No. 1690), entitled "An act making an appropriation for the Attorney-General."

Also, Assembly bill introduced by Mr. Sargent (No. 2038, Int. No. 1558), entitled "An act to incorporate the Providence Hospital."



Also, Assembly bill introduced by Mr. Stein (No. 2224, Int. No. 1673), entitled "An act authorizing and empowering the board of estimate and apportionment of the city of New York to select and designate a site for an armory within the territory of Crotona park, in the borough of the Bronx, city of New York."

Also, Assembly bill introduced by Mr. Martin (No. 2286, Int. No. 1713), entitled "An act making provision for issuing bonds to the amount of not to exceed seven million dollars for the improvement of the Cayuga and Seneca canals, and providing for a submission of the same to the people to be voted upon at the general election to be held in the year nineteen hundred and nine."

Also, Assembly bill introduced by Mr. Toombs (No. 2225, Int. No. 1674), entitled "An act to amend the Decedent Estate Law, in relation to the authentication of foreign wills, records and papers relating to decedents' estates."

Also, Assembly bill introduced by Mr. Thompson (No. 2046, Int. No. 1569), entitled "An act to amend the Greater New York charter, relative to granting authority to the commissioners of the sinking fund to lease or grant certain interests or rights in lands acquired by the city outside the limits of said city."

Also, Assembly bill introduced by Mr. Whitley (No. 2198, Int. No. 1661), entitled "An act to amend the Judiciary Law, in relation to the salary of the stenographer of the County Court of Monroe county."

Also, Assembly bill introduced by Mr. Whitley (No. 2197, Int. No. 1660), entitled "An act to amend chapter seven hundred and fifty-five of the Laws of nineteen hundred and seven, entitled 'An act constituting the charter of the city of Rochester,' in relation to the Municipal Court."

Also, Assembly bill introduced by Mr. Williams (No. 970, Int. No. 871), entitled "An act to amend chapter nineteen of the Consolidated Laws, being the Forest, Fish and Game Law, in relation to the open season for trout in Delaware county."

Also, Assembly bill introduced by Mr. E. Young (No. 2260, Int. No. 1692), entitled "An act to authorize the board of trustees of the village of Ellenville, in the county of Ulster, to provide for a supply of water for such village and to raise the necessary funds therefor by issuing and selling village bonds."

Also, Senate bill introduced by Mr. Grattan (No. 939, Rec. No. 246), entitled "An act to amend the Tax Law, in relation to the salary of the transfer tax clerk in Albany county."

Also, Senate bill introduced by Mr. Grattan (No. 834, Rec. No. 248), entitled "An act to amend chapter two hundred and eighteen of the Laws of eighteen hundred and eighty-four, entitled 'An act to regulate the commitment and discharge of certain prisoners, tramps and vagrants in Albany county, and to prescribe the effect thereof, to provide for the support of the prisoners in the jail in the city of Albany and to fix the duties and compensation of the sheriff of said county and of certain employees in the jail in said city,' in relation to the compensation of the sheriff and his employees."

Also, Senate bill introduced by Mr. Grattan (No. 833, Rec. No. 247), entitled "An act in relation to certain deputy sheriffs in the county of Albany."

Also, Senate bill introduced by Mr. Grattan (No. 730, Rec. No. 171), entitled "An act to amend the Code of Civil Procedure, in relation to payment of moneys deposited in court in actions for partition."

Also, Senate bill introduced by Mr. Hamilton (No. 906, Rec. No. 178), entitled "An act to amend section two hundred and sixty of the Consolidated Real Property Law, constituting chapter fifty of the Consolidated Laws," reported in favor of the passage of the same without amendment, and that the same be made special orders on second and third reading immediately after the consideration of the special orders on third reading heretofore reported, which report was agreed to, and said bills ordered made special orders on second and third reading immediately after the consideration of the special orders on third reading heretofore reported.

Mr. Speaker, from the committee on rules, to which was referred the bill introduced by Mr. Francis (No. 64, Int. No. 64), entitled "An act to confer jurisdiction upon the Court of Claims to hear and determine any and all claims against the State for damages alleged to have been sustained by any juror serving in any court of record in the State and to render judgment therefor," reported in favor of the passage of the same, with the following amendments:

Page 2, line 15, strike out the words "statute of", and after the word "limitation" insert "of time for presenting said claim as prescribed by this act".

and that the same be reprinted, as amended, and when it shall have been on the desks of the members three calendar legislative days it be made a special order on second and third reading immediately after the consideration of the special orders on third reading theretofore reported, which report was agreed to, and said bill ordered reprinted, as amended, and that when it shall have been on the desks of the members three calendar legislative days it be made a special order on second and third reading immediately after the consideration of the special orders on third reading theretofore reported.

Mr. Speaker, from the committee on rules, to which was referred the bill introduced by Mr. Partridge (No. 2016, Int. No. 1005), entitled "An act to make the office of supervisor in the county of Fulton a salaried office," reported in favor of the passage of the same, with the following amendment:

Page 1, line 5, before the word "dollars" insert the words "and fifty".

and that the same be reprinted, as amended, and when it shall have been on the desks of the members three calendar legislative days it be made a special order on second and third reading immediately after the consideration of the special orders on third reading theretofore reported, which report was agreed to, and said bill ordered reprinted, as amended, and that when it shall have been on the desks of the members three calendar legislative days it be made a special order on second and third reading immediately after the consideration of the special orders on third reading theretofore reported.

Mr. Speaker, from the committee on rules, to which was referred the bill introduced by Mr. Burhyte (No. 2290, Int. No. 1687), entitled "An act to revise, consolidate and amend generally chapter two hundred and twenty-five of the Laws of nineteen hundred and one, known as 'The Charter of the City of Oneida,' and the several acts amendatory thereof, and repealing



certain acts," reported in favor of the passage of the same, with the following amendments:

Page 71, line 13, after word "council" insert "and contracts made by him shall be subject to its approval".

Page 186, lines 14, 15, 16 and 17, strike out said lines and insert:

"Section 261. Election of city officers.—The elective city officers provided for in this act shall be elected at the general election to be held in November, nineteen hundred one, and at each alternate general election thereafter. Their respective terms of office shall commence on the first day of January next succeeding their election. The members of the present board of education, the present hospital commissioners, the present superintendent of schools and the present justice of the peace of the city of Oneida shall continue to hold office until the expiration of their respective terms of office provided for in chapter two hundred twenty-five of the Laws of nineteen hundred one, and the several acts amendatory thereof; and all the other appointive officers of said city shall continue to hold their respective offices until the appointive officers provided for in this act shall have been appointed and qualified."

Page 186, line 23, strike out "or" at beginning of line and insert "the ordinances may be read in evidence".

Same page, line 24, after "council" insert "or from a certified copy made by the city clerk".

Page 187, line 2, at end of line after period insert "The present ordinances of the city of Oneida enacted pursuant to chapter two hundred and twenty-five of the Laws of nineteen hundred and one, and the several acts amendatory thereof, shall remain in force the same as though passed under the provisions of this act."

Page 187, line 10, at end of line insert "and chapter one hundred fifty-two of the Laws of nineteen hundred nine."

and that the same be reprinted, as amended, and when it shall have been on the desks of the members three calendar legislative days it be made a special order on second and third reading immediately after the consideration of the special orders on third reading theretofore reported, which report was agreed to, and said bill ordered reprinted, as amended, and that when it shall have been on the desks of the members three calendar legislative days it be made a special order on second and third reading immediately after the consideration of the special orders on third reading theretofore reported.

Mr. Speaker, from the committee on rules, to which was referred the Senate bill introduced by Mr. Hill (No. 881, Rec. No. 147), entitled "An act to amend the Penal Law, in relation to the unauthorized use of vehicles," reported in favor of the passage of the same, with the following amendment:

Page 2, line 2, strike out the words "or permit".

and that the same be reprinted, as amended, and that when it shall have been on the desks of the members three calendar legislative days it be made a special order on second and third reading immediately after consideration of the special orders on third reading theretofore reported, which report was agreed to, and said bill ordered reprinted, as amended, and that when it shall have been on the desks of the members three calendar legislative days it be made a special order on second and third reading immediately after the consideration of the special orders on third reading theretofore reported.

Mr. Speaker, from the committee on rules, to which was referred the bill introduced by Mr. McInerney (No. 1252, Int. No. 1099), entitled "An act to amend the Code of Civil Procedure, relative to personal service of summons upon certain unincorporated associations," reported the following substitute bill:

(See Appendix No. 51.)

and requests that said substitute bill be printed and recommitted to said committee, which report was agreed to, and said bill ordered printed and recommitted to said committee.

The Clerk reported the following bills as correctly printed or engrossed:

"An act to legalize, validate and confirm all acts and proceedings of the board of trustees of the village of Waterloo, Seneca county, relating to the establishment of a sewer system and disposal plant in said village, and to submission to the voters of said village of a proposition for the construction of said sewer system and disposal plant, and for an appropriation of one hundred thousand dollars, or such part thereof as might be required for the construction thereof, and to the purchase of lands for said sewer system and disposal plant, and to the making of contracts for the

construction of same, and to the issue and sale of bonds to the amount of ninety thousand dollars for the payment of the expenses thereof, and to legalize and validate the adoption of a proposition, submitted at a special election held in said village on the twenty-seventh day of May, nineteen hundred and eight, to authorize the construction of said complete sewer system and disposal plant and the issuing of bonds not exceeding one hundred thousand dollars for such purposes, and to legalize and validate the sale heretofore made by said village of said bonds, and to provide for the delivery of the same or a resale thereof, and to legalize and validate the said bonds, and to authorize the said village of Waterloo to raise annually by tax the sums necessary to pay said bonds and the interest thereon, and to provide a sewer commission for such village to continue the construction of such sewer system and disposal plant." (No. 2111, Int. No. 284.)

"An act to amend section three of chapter thirty-six of the Laws of nineteen hundred and nine, entitled 'An act relating to labor, constituting chapter thirty-one of the Consolidated Laws.'" (No. 2215, Int. No. 1553.)

"An act to provide for the publication of an official edition of the Consolidated Laws." (No. 2196, Int. No. 1659.)

"An act to amend chapter four hundred and ten of the Laws of eighteen hundred and eighty-two, entitled 'An act to consolidate into one act and to declare the special and local laws affecting public interests in the city of New York,' in relation to allowance to counsel in criminal cases." (No. 2205, Int. No. 1160.)

"An act to amend sections eighty-two and eighty-four of chapter one hundred and thirty of the Laws of nineteen hundred and eight, entitled 'An act for the protection of forest, fish and game of the State.'" (No. 2212, Int. No. 2008.)

"An act to amend the Greater New York charter, in relation to licenses to auctioneers and providing a penalty for violation." (No. 2155, Int. No. 1630.)

"An act to amend the Agricultural Law, in relation to oleomargarine and oleaginous substances not made from pure milk or cream from the same." (No. 2213, Int. No. 1596.)

"An act to amend chapter seven hundred and fifty-five of the Laws of nineteen hundred and seven, entitled 'An act constituting



the charter of the city of Rochester,' in relation to claims for damages for change of grade." (No. 2201, Int. No. 1664.)

"An act to amend the Public Health Law, relative to the practice of pharmacy." (No. 2285, Int. No. 1559.)

"An act to amend the Agricultural Law, in relation to tuberculin, issuing certificates relative to tuberculin tested cattle and the branding of tuberculous cattle." (No. 2216, Int. No. 1617.)

"An act to amend the Code of Civil Procedure, in relation to removal of tenants and certain occupants." (No. 2203, Int. No. 1327.)

"An act to establish a State park in the highlands of the Hudson river, as a memorial to Henry Hudson and Robert Fulton, to provide for the selection, location, appropriation and management thereof, and thereby to preserve the natural scenery of the Hudson river." (No. 2214, Int. No. 450.)

"An act to amend the Agricultural Law, entitled 'An act in relation to agriculture, constituting chapter one of the Consolidated Laws,' in relation to abattoirs and places where meat and meat products are manufactured, sold or kept for sale." (No. 2063, Int. No. 1374.)

"An act authorizing the village of Canajoharie, Montgomery county, New York, to borrow not exceeding seven thousand five hundred dollars for the purpose of meeting the preliminary expenses for the establishment of a water system in such village and to issue notes or certificates of indebtedness therefor." (No. 2223, Int. No. 1672.)

"An act to authorize the city of New Rochelle to borrow money by the issue of bonds for the purpose of taking up and retiring temporary certificates of indebtedness issued in anticipation of the collection of certain taxes and assessments." (No. 2187, Int. No. 1650.)

"An act to regulate the introduction of medical expert testimony." (No. 2061, Int. No. 958.)

"An act to authorize the city of New Rochelle to borrow twenty-five thousand dollars by the issue of bonds, for the purpose of taking up and retiring outstanding, overdue sewer certificates of indebtedness." (No. 2188, Int. No. 1651.)

"An act to authorize the city of New Rochelle to borrow money by the issue of bonds for the purpose of paying claims existing against it and authorizing the payment of such claims." (No. 2189, Int. No. 1652.)

"An act to authorize the consolidation, or merger, or right of use in common by and between the New York, Westchester and Boston Railway Company and the New York and Port Chester Railroad Company, and the surrender of the routes, or parts of the routes, of the railroads of said companies." (No. 2202, Int. No. 1665.)

"An act to amend the Highway Law, in relation to a highway to be constructed or improved by the State in the counties of Schoharie and Delaware." (No. 2217, Int. No. 1666.)

"An act to incorporate the city of New Rochelle." (No. 2270, Int. No. 1640.)

"An act to legalize the bonds of the village of Canajoharie, New York, issued and to be issued for the following purposes, namely: Defraying the expense of establishing a system of water-works in and for said village and supplying its inhabitants with water, defraying the expense of paving and curbing Church street in said village and providing said street with a storm sewer, defraying the expense of constructing a fifteen-duct conduit in said village for the purpose of providing underground accommodations for public service wires and cables, and to legalize all proceedings of the board of trustees of said village in relation and subsequent thereto, and to provide for the principal and interest of said bonds, and to legalize all proceedings of the board of trustees in relation thereto, including the several resolutions submitted to the qualified electors of said village at special elections held on the thirtieth day of June, nineteen hundred and eight, on the twenty-eighth day of August, nineteen hundred and eight, on the tenth day of October, nineteen hundred and eight, and on the thirtieth day of January, nineteen hundred and nine, and legalizing the vote on each and all of said propositions submitted at the said special elections as aforesaid." (No. 2222, Int. No. 1671.)

"An act to amend the Poor Law, in relation to poor children." (No. 1604, Int. No. 1335.)

"An act to amend the Highway Law, in relation to acquisition of land for highways." (No. 1774, Int. No. 1425.)

"An act authorizing the board of estimate and apportionment of the city of New York, in its discretion, to direct that the cost and expense, or any part thereof, of opening and extending Canal place from East One Hundred and Thirty-eighth street to East One Hundred and Forty-fourth street, in said city, shall be borne and paid by the city of New York." (No. 1933, Int. No. 1510.)

"An act to amend the Military Law, in relation to pay and allowances." (No. 1450, Int. No. 1246.)

"An act to amend chapter five hundred and twenty-nine of the Laws of eighteen hundred and ninety-eight, entitled 'An act authorizing the city of Rensselaer to use certain lands for park purposes,' in relation to the construction of a monument to the memory of soldiers and sailors in the city of Rensselaer, in place of mounting a cannon, as provided in said chapter, at the expense of such city, and authorizing its common council to provide moneys therefor by issuing city bonds." (No. 2218, Int. No. 1667.)

"An act to amend chapter three hundred and one of the Laws of nineteen hundred and three, entitled 'An act authorizing and empowering the park commissioner of the borough of the Bronx, New York city, in his discretion, to lease certain lands in McCombs Dam park to any athletic or boat club or association for the establishment of a public recreation ground for outdoor athletics, et cetera,' in relation to leases in Pelham Bay park." (No. 2268, Int. No. 82.)

"An act to amend the Election Law, in relation to the times and purposes of official primaries." (No. 2141, Int. No. 1076.)

On motion of Mr. Hamn, the committee on rules was instructed to report Assembly bill (No. 1872, Int. No. 1222), entitled "An act to amend the Insurance Law, in relation to permitting life insurance companies to issue policies of insurance and annuities to members of labor unions and other organizations at reduced rates of premium," with the following amendment:

Page 3, line 18, strike out "The industrial" and insert in place thereof "the weekly or monthly payment."

Mr. Speaker, from the committee on rules, reported said bill amended as directed.



On motion of Mr. Hamn, said bill was ordered reprinted, as amended, and recommitted to said committee.

Mr. Merritt moved a call of the members of the House.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

By direction of the Speaker, the Clerk called the roll, when the following members responded:

Allen	Fay	Lansing	Murphy C F	Staley
Barden	Filley	Lazarus	Murphy F J	Stein
Bates	Fowler	Lee	Murray	Stern
Baumann	Francis	Leffingwell	Neupert	Sullivan
Baumes	Frisbie	Levy A J	Nolan	Surpluss
Bennett	Garbe	Levy J	Odell	Thompson
Boshart	Geoghegan	Lewis	Oliver	Thorn
Brady	Glore	Lowe	O'Neil	Toombs
Brown C F	Goldberg	Lowman	Parker F B	Travis
Brown G W	Goodspeed	Lupton	Parker J S	Voss
Burhyte	Graubard	MacGregor	Partridge	Waddell
Callan	Gray	Manley	Perkins	Walters
Caughlan	Green	Marks	Phillips C W	Ward
Cheney	Gunderman	Marlatt	Phillips J S	Waters
Clarke	Hackett	Martin	Reed	Weaver
Colné	Haines	McCue	Robinson	Weber
Conklin	Hammond	McElligott	Rozan	Wende
Costello	Hamn	McFarlane	Sanner	White E H
Cuvillier	Hawley	McGrath	Sargent	White L H
De Groot	Hemenway	McInerney	Schmidt	Whitley
Donnelly	Hoe	McLaughlin	Scott	Whitney
Draper	Howard	Mead	Shea	Williams
Duell	Jordan	Merritt	Smith A E	Wood
Eagleton	Klein	Millen	Smith C	Yale
Edwards	Lachman	Miller J L	Smith F L	Young E
Evans	Lanahan	Miller W G	Spielberg	Young F L
Farrar				

Mr. Merritt moved that the House proceed with business during the pendency of the call.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Voss moved to take from the table his resolution to reconsider the vote by which Assembly bill (No. 1834, Int. No. 88), entitled "An act to provide for the appointment of a commission to investigate the enforcement of all laws relating to and affecting the observance of the first day of the week, commonly called 'Sunday', and to report on the expediency of a revision of such laws and codifying them, or the adoption of other laws or measures to take their place," was lost April 13th.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Said bill having been announced, Mr. Voss moved to reconsider the vote by which said bill was lost.

Mr. Speaker put the question whether the House would agree to the reconsideration of the vote on the final passage of said bill, and it was determined in the negative, a majority of all the members elected to the Assembly not voting in favor thereof, and three-fifths being present.

AYES 45

NOES 75

Those who voted in the affirmative were:

Baumann	Fillee	Klein	Murray	Spielberg
Brown G W	Garbe	Lachman	Neupert	Stein
Clarke	Glore	Lanahan	O'Neil	Stern
Colné	Goldberg	Lazarus	Phillips C W	Sullivan
Conklin	Goodspeed	Levy J	Robinson	Surpless
Costello	Graubard	Marks	Rozan	Voss
Cuvillier	Green	McGrath	Sanner	Walters
De Groot	Hoey	Merritt	Sargent	Wende
Duell	Jordan	Murphy C F	Schutta	White L H

Those who voted in the negative were:

Barden	Farrar	Leffingwell	Miller J L	Smith F L
Bates	Fay	Lewis	Miller W G	Thompson
Baumes	Fowler	Lowe	Murphy F J	Thorn
Bennett	Francis	Lowman	Nolan	Travis
Brady	Gillen	Lupton	Odell	Waddell
Brown C F	Gray	MacGregor	Oliver	Waters
Burhyte	Gunderman	Manley	Parker F B	Weaver
Callan	Hackett	Marlatt	Partridge	Weber
Caughlan	Hammond	Martin	Perkins	White E H
Cheney	Hann	McCue	Phillips J S	Whitley
Donnelly	Hawley	McElligott	Schmidt	Whitney
Draper	Hemenway	McFarlane	Scott	Williams
Eagleton	Howard	McLaughlin	Shea	Wood
Edwards	Lansing	Mead	Smith A E	Young E
Evans	Lee	Millen	Smith C	Young F L

Mr. Speaker announced the special order, being the bill (No. 2251) entitled "An act to grant to the city of New York certain lands under water in Jamaica bay and vicinity." (Int. No. 1568.)

Said bill having been announced,

Mr. Sargent moved that said bill be recommitted to the committee on rules, with instructions to report the same forthwith, amended as follows:

On page 2, line 8, after the word "county" add the following: "This grant shall become operative upon the United States government making its first appropriation for the creation of the new harbor mentioned in this act, or upon the city of New York

appropriating and setting aside a sum not less than one million dollars for the same purpose."

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Speaker, from the committee on rules, reported said bill amended as directed, and the same was ordered reprinted and placed on the special order of third reading.

Mr. Speaker announced the special order, being the bill (No. 546) entitled "An act to amend the Greater New York charter, in relation to pensions of members of fire department." (Int. No. 514.)

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 78

NOES 40

Those who voted in the affirmative were:

Allen	Edwards	Lupton	Phillips J S	Thorn
Barden	Filley	MacGregor	Reed	Toombs
Bates	Fowler	Marks	Robinson	Travis
Baumes	Francis	Martin	Scott	Voss
Bennett	Glore	McFarlane	Shea	Waddell
Boshart	Goodspeed	McLaughlin	Sheridan	Walters
Brown C F	Gray	Mead	Smith C	Ward
Brown G W	Haines	Merritt	Smith F L	Waters
Burhyte	Hammond	Millen	Smith M	Weaver
Callan	Howard	Miller J L	Staley	Whitley
Cheney	Lachman	Murphy C F	Stein	Whitney
Clarke	Lansing	Murphy F J	Stern	Williams
Colné	Lee	Murray	Sullivan	Wood
De Groot	Lewis	Nolan	Surpless	Young E
Draper	Lowe	Parker F B	Thompson	Young F L
Duell	Lowman	Perkins		

Those who voted in the negative were:

Baumann	Farrar	Jordan	McGrath	Sanner
Caughlan	Frisbie	Klein	McKcon	Schmidt
Conklin	Geoghegan	Lanahan	Neupert	Schutta
Costello	Gillen	Levy A J	Odell	Smith A E
Cuvillier	Goldberg	Levy J	Oliver	Spielberg
Donnelly	Hackett	Manley	O'Neil	Wende
Eagleton	Hamm	McCue	Partridge	White E H
Evans	Hoey	McElligott	Rozan	White L H

Ordered, That the Clerk engross said bill and deliver the same to the Senate and request their concurrence therein.



Mr. Speaker announced the special order, being the bill (No. 2014) entitled "An act to amend the State Printing Law, generally." (Int. No. 1460.)

Said bill having been announced for a third reading,

On motion of Mr. Fowler, and by unanimous consent, said bill was ordered placed on the special order third reading calendar for Thursday next.

Mr. Speaker announced the special order, being the bill (No. 1211) entitled "An act to amend the Greater New York charter, in relation to the appointment and compensation of drivers of patrol wagons." (Int. No. 879.)

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 134

NOES 00

Those who voted in the affirmative were:

Barden	Fellows	Lanahan	Murphy C F	Stein
Bates	Filley	Lansing	Murphy F J	Stern
Baumann	Foley	Lazarus	Murray	Sullivan
Baumes	Fowler	Lee	Neupert	Surpless
Bennett	Francis	Leffingwell	Nolan	Thompson
Boshart	Frisbie	Levy A J	Odell	Thorn
Brady	Garbe	Levy J	Oliver	Toombs
Brown C F	Geoghegan	Lewis	O'Neil	Travis
Brown G W	Gillen	Lowe	Parker F B	Voss
Burhyte	Glore	Lowman	Parker J S	Waddell
Callan	Goldberg	Lupton	Partridge	Walters
Caughlan	Goodspeed	MacGregor	Perkins	Ward
Cheney	Graubard	Manley	Phillips C W	Waters
Clarke	Gray	Marks	Phillips J S	Weaver
Colné	Green	Marlatt	Reed	Weber
Conklin	Gunderman	Martin	Robinson	Weimert
Costello	Hackett	McCue	Rozan	Wende
Cuvillier	Haines	McElligott	Sanner	White E H
De Groot	Hammond	McFarlane	Sargent	White L H
Donnelly	Hann	McGrath	Schmidt	Whitley
Draper	Hawley	McInerney	Scott	Whitney
Duell	Hemenway	McLaughlin	Shea	Williams
Eagleton	Hoey	Mead	Smith A E	Wood
Edwards	Howard	Merritt	Smith C	Yale
Evans	Jordan	Millen	Smith F L	Young E
Farrar	Klein	Miller J L	Spielberg	Young F L
Fay	Lachman	Miller W G	Staley	

Ordered, That the Clerk engross said bill and deliver the same to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 2262) entitled "An act to amend the Forest, Fish and Game Law, in relation to taking bass in certain waters of Allegany county." (Int. No. 1695.)

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 133

NOES 00

Those who voted in the affirmative were:

Barden	Filley	Lansing	Murphy F J	Stein
Bates	Foley	Lazarus	Murray	Stern
Baumann	Fowler	Lee	Neupert	Sullivan
Baumes	Francis	Leffingwell	Nolan	Surpless
Bennett	Frisbie	Levy A J	Odell	Thompson
Boshart	Garbe	Levy J	Oliver	Thorn
Brady	Geoghegan	Lewis	O'Neil	Toombs
Brown C F	Gillen	Lowe	Parker F B	Travis
Brown G W	Glore	Lowman	Parker J S	Voss
Burhyte	Goldberg	Lupton	Partridge	Waddell
Cellan	Goodspeed	MacGregor	Perkins	Walters
Caughlan	Graubard	Manley	Phillips C W	Ward
Cheney	Gray	Marks	Phillips J S	Waters
Clarke	Green	Marlatt	Reed	Weaver
Colné	Gunderman	Martin	Robinson	Weber
Conklin	Hackett	McCue	Rozan	Weimert
Costello	Haines	McElligott	Sanner	Wende
Cuvillier	Hammond	McFarlane	Sargent	White E H
De Groot	Hamn	McGrath	Schmidt	White L H
Donnelly	Hawley	McInerney	Scott	Whitley
Draper	Hemenway	McLaughlin	Shea	Whitney
Duell	Hoey	Mead	Smith A E	Williams
Eagleton	Howard	Merritt	Smith C	Wood
Edwards	Jordan	Millen	Smith F L	Yale
Evans	Klein	Miller J L	Spielberg	Young E
Farrar	Lachman	Miller W G	Staley	Young F L
Fay	Lanahan	Murphy C F		

Ordered, That the Clerk engross said bill and deliver the same to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 443) entitled "An act to amend the Greater New York charter,

relative to inspection of boilers and engines, and the qualification and licensing of engineers." (Int. No. 427.)

Said bill having been announced,

Mr. Murray moved to recommit said bill to the committee on rules.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 81

NOES 46

Those who voted in the affirmative were:

Allen	Garbe	Lazarus	Neupert	Smith F L
Baumann	Geoghegan	Lee	Nolan	Spielberg
Baumes	Gillen	Leffingwell	Odell	Staley
Bohan	Glore	Levy A J	Oliver	Stern
Brennan	Goodspeed	Levy J	O'Neil	Surpless
Brown G W	Graubard	Lewis	Partridge	Thompson
Clarke	Hackett	Lowman	Phillips C W	Thorn
Costello	Haines	MacGregor	Phillips J S	Travis
Cuvillier	Hamn	Manley	Sanner	Voss
De Groot	Herrick	McCue	Schmidt	Waters
Donnelly	Hoey	McInerney	Schutta	Weaver
Draper	Howard	McKeon	Scott	Wende
Eagleton	Jordan	McLaughlin	Shea	White E H
Fay	Klein	Merritt	Sheridan	White L H
Filley	Lanahan	Miller J L	Smith A E	Whitney
Fowler	Lansing	Murphy C F	Smith C	Yale
Frisbie				

Those who voted in the negative were:

Barden	Conklin	Lachman	Miller W G	Sullivan
Bates	Duell	Lowe	Murphy F J	Toombs
Bennett	Edwards	Lupton	Murray	Waddell
Boshart	Evans	Marks	Parker F B	Walters
Brady	Farrar	Martin	Perkins	Ward
Brown C F	Francis	McElligott	Reed	Williams
Burhyte	Gunderman	McGrath	Robinson	Wood
Callan	Hammond	Mead	Sargent	Young E
Cheney	Hawley	Millen	Smith M	Young F L
Colné				

Ordered, That the Clerk engross said bill and deliver the same to the Senate and request their concurrence therein.



Mr. Speaker announced the special order, being the bill (No. 2246) entitled "An act to amend chapter six hundred and seventy of the Laws of nineteen hundred and six, entitled 'An act to establish a new State prison in the eastern part of the State to take the place of Sing Sing prison; to authorize the Governor to appoint a commission to select and purchase a site,' in relation to the erection and completion of such prison, and making an additional appropriation therefor." (Int. No. 1606.)

On motion of Mr. Merritt, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 135

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Lanahan	Murphy C F	Stein
Barden	Filley	Lansing	Murphy F J	Stern
Bates	Foley	Lazarus	Murray	Sullivan
Baumann	Fowler	Lee	Neupert	Surpless
Baumes	Francis	Leffingwell	Nolan	Thompson
Bennett	Frisbie	Levy A J	Odell	Thorn
Boshart	Garbe	Levy J	Oliver	Todd
Brady	Geoghegan	Lewis	O'Neil	Toombs
Brown C F	Gillen	Lowe	Parker F B	Travis
Brown G W	Glore	Lowman	Parker J S	Voss
Burhyte	Goldberg	Lupton	Partridge	Waddell
Callan	Goodspeed	MacGregor	Perkins	Walters
Caughlan	Graubard	Manley	Phillips C W	Ward
Chepey	Gray	Marks	Phillips J S	Waters
Clarke	Green	Marlatt	Reed	Weaver
Colné	Gunderman	Martin	Robinson	Weber
Conklin	Hackett	McCue	Rozan	Weimert
Costello	Haines	McElligott	Sanner	Wende
Cuvillier	Hammond	McFarlane	Sargent	White E H
De Groot	Hamn	McGrath	Schmidt	White L H
Donnelly	Hawley	McInerney	Scott	Whitley
Draper	Hemenway	McLaughlin	Shea	Whitney
Duell	Hoey	Mead	Smith A E	Williams
Eagleton	Howard	Merritt	Smith C	Wood
Edwards	Jordan	Millen	Smith F L	Yale
Evans	Klein	Miller J L	Spielberg	Young E
Farrar	Lachman	Miller W G	Staley	Young F L

Ordered, That the Clerk engross said bill and deliver the same to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 2248) entitled "An act to amend the Education Law, in relation to the board of trustees of Cornell University." (Int. No. 1368.)

On motion of Mr. Merritt, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 134

NOES 00

Those who voted in the affirmative were:

Barden	Fay	Lanahan	Murphy C F	Stein
Bates	Filley	Lansing	Murphy F J	Stern
Baumann	Foley	Lazarus	Murray	Sullivan
Baumes	Fowler	Lee	Neupert	Surpless
Bennett	Francis	Leffingwell	Nolan	Thompson
Boshart	Frisbie	Levy A J	Odell	Thorn
Brady	Garbe	Levy J	Oliver	Toombs
Brennan	Geoghagan	Lewis	O'Neil	Travis
Brown C F	Gillen	Lowe	Parker F B	Voss
Brown G W	Glore	Lowman	Parker J S	Waddell
Burhyte	Goldberg	Lupton	Partridge	Walters
Callan	Goodspeed	MacGregor	Perkins	Ward
Caughlan	Graubard	Manley	Phillips C W	Waters
Cheney	Gray	Marks	Phillips J S	Weaver
Clarke	Green	Marlatt	Reed	Weber
Colne	Gunderman	Martin	Robinson	Weimert
Conklin	Hackett	McCue	Rozan	Wende
Costello	Haines	McElligott	Sanner	White E H
Cuvillier	Hammond	McFarlane	Sargent	White L H
De Groot	Hamn	McGrath	Schmidt	Whitley
Donnelly	Hawley	McInerney	Scott	Whitney
Draper	Hemenway	McLaughlin	Shea	Williams
Duell	Hoey	Mead	Smith A E	Wood
Eagleton	Howard	Merritt	Smith C	Yale
Edwards	Jordan	Millen	Smith F L	Young E
Evans	Klein	Miller J L	Spielberg	Young F L
Farrar	Lachman	Miller W G	Staley	

Ordered, That the Clerk engross said bill and deliver the same to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 2249) entitled "An act to amend the Tax Law, in relation to the compensation, and the powers and duties of the State Board of Tax Commissioners." (Int. No. 1618.)

On motion of Mr. Merritt, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 134

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Lanahan	Murphy C F	Stein
Barden	Filley	Lansing	Murphy F J	Stern
Bates	Foley	Lazarus	Murray	Sullivan
Baumann	Fowler	Lee	Neupert	Surpless
Baumes	Francis	Leffingwell	Nolan	Thompson
Bennett	Frisbie	Levy A J	Odell	Thorn
Boshart	Garbe	Levy J	Oliver	Toombs
Brady	Geoghegan	Lewis	O'Neil	Travis
Brown C F	Gillen	Lowe	Parker F B	Voss
Brown G W	Glore	Lowman	Parker J S	Waddell
Burhyte	Goldberg	Lupton	Partridge	Walters
Callan	Goodspeed	MacGregor	Perkins	Ward
Caughlan	Graubard	Manley	Phillips C W	Waters
Cheney	Gray	Marks	Phillips J S	Weaver
Clarke	Green	Marlatt	Reed	Weber
Colné	Gunderman	Martin	Robinson	Weimert
Conklin	Hackett	McCue	Rozan	Wende
Costello	Haines	McElligott	Sanner	White E H
Cuvillier	Hammond	McFarlane	Sargent	White L H
De Groot	Hamn	McGrath	Schmidt	Whitley
Donnelly	Hawley	McInerney	Scott	Whitney
Draper	Hemenway	McLaughlin	Shea	Williams
Duell	Hoey	Mead	Smith A E	Wood
Eagleton	Howard	Merritt	Smith C	Yale
Edwards	Jordan	Millen	Smith F L	Young E
Evans	Klein	Miller J L	Spiegelberg	Young F L
Farrar	Lachman	Miller W G	Staley	

Ordered, That the Clerk engross said bill and deliver the same to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 2250) entitled "An act to amend the Judiciary Law, in relation



to stenographer of the County Court of Jefferson county." (Int. No. 1509.)

On motion of Mr. Lowe, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

**AYES 134**

**NOES 00**

Those who voted in the affirmative were:

Allen	Fay	Lanahan	Murphy C F	Stein
Barden	Filley	Lansing	Murphy F J	Stern
Bates	Foley	Lazarus	Murray	Sullivan
Baumann	Fowler	Lee	Neupert	Surpluss
Baumes	Francis	Leffingwell	Nolan	Thompson
Bennett	Frisbie	Levy A J	Odell	Thorn
Boshart	Garbe	Levy J	Oliver	Toombs
Brady	Geoghegan	Lewis	O'Neil	Travis
Brown C F	Gillen	Lowe	Parker F B	Voss
Brown G W	Glore	Lowman	Parker J S	Waddell
Burhyte	Goldberg	Lupton	Partridge	Walters
Callan	Goodspeed	MacGregor	Perkins	Ward
Caughlan	Graubard	Manley	Phillips C W	Waters
Cheney	Gray	Marks	Phillips J S	Weaver
Clarke	Green	Marlatt	Reed	Weber
Colné	Gunderman	Martin	Robinson	Weimert
Conklin	Hackett	McCue	Rozan	Wende
Costello	Haines	McElligott	Sanner	White E H
Cuvillier	Hammond	McFarlane	Sargent	White L H
De Groot	Hamn	McGrath	Schmidt	Whitley
Donnelly	Hawley	McInerney	Scott	Whitney
Draper	Hemenway	McLaughlin	Shea	Williams
Duell	Hoey	Mead	Smith A E	Wood
Eagleton	Howard	Merritt	Smith C	Yale
Edwards	Jordan	Millen	Smith F L	Young E
Evans	Klein	Miller J L	Spielberg	Young F L
Farrar	Lachman	Miller W G	Staley	

Ordered, That the Clerk engross said bill and deliver the same to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 2252) entitled "An act to amend the Religious Corporations Law, in relation to property of extinct churches." (Int. No. 1295.)

On motion of Mr. Weimert, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 133

NOES 00

Those who voted in the affirmative were:

Barden	Filley	Lansing	Murphy F J	Stein
Bates	Foley	Lazarus	Murray	Stern
Baumann	Fowler	Lee	Neupert	Sullivan
Baumes	Francis	Leffingwell	Nolan	Surpless
Bennett	Frisbie	Levy A J	Odell	Thompson
Boshart	Garbe	Levy J	Oliver	Thorn
Brady	Geoghegan	Lewis	O'Neil	Toombs
Brown C F	Gillen	Lowe	Parker F B	Travis
Brown G W	Glore	Lowman	Parker J S	Voss
Burhyte	Goldberg	Lupton	Partridge	Wadden
Callan	Goodspeed	MacGregor	Perkins	Walters
Caughlan	Graubard	Manley	Phillips C W	Ward
Cheney	Gray	Marks	Phillips J S	Waters
Clarke	Green	Marlatt	Reed	Weaver
Colné	Gunderman	Martin	Robinson	Weber
Conklin	Hackett	McCue	Rozan	Weimert
Costello	Haines	McElligott	Sanner	Wende
Cuvillier	Hammond	McFarlane	Sargent	White E H
De Groot	Hamn	McGrath	Schmidt	White L H
Donnelly	Hawley	McInerney	Scott	Whitley
Draper	Hemenway	McLaughlin	Shea	Whitney
Duell	Hoey	Mead	Smith A E	Williams
Eagleton	Howard	Merritt	Smith C	Wood
Edwards	Jordan	Millen	Smith F L	Yale
Evans	Klein	Miller J L	Spielberg	Young E
Farrar	Lachman	Miller W G	Staley	Young F I
Fay	Lanahan	Murphy C F		

Ordered, That the Clerk engross said bill and deliver the same to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 2245) entitled "An act to amend the General Business Law, in relation to standard measures and regulating manufacture of containers." (Int. No. 990.).

On motion of Mr. E. Young, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 133

NOES 00

Those who voted in the affirmative were:

Barden	Filley	Lansing	Murphy F J	Stein
Bates	Foley	Lazarus	Murray	Stern
Baumann	Fowler	Lee	Neupert	Sullivan
Baumes	Francis	Leffingwell	Nolan	Surpless
Bennett	Frisbie	Levy A J	Odell	Thompson
Boshart	Garbe	Levy J	Oliver	Thorn
Brady	Geoghegan	Lewis	O'Neil	Toombs
Brown C F	Gillen	Lowe	Parker F B	Travis
Brown G W	Glore	Lowman	Parker J S	Voss
Burhyte	Goldberg	Lupton	Partridge	Waddell
Callan	Goodspeed	MacGregor	Perkins	Walters
Caughlan	Graubard	Manley	Phillips C W	Ward
Cheney	Gray	Marks	Phillips J S	Waters
Clarke	Green	Marlatt	Reed	Weaver
Colné	Gunderman	Martin	Robinson	Weber
Conklin	Hackett	McCue	Rozan	Weimert
Costello	Haines	McElligott	Sanner	Wende
Cuvillier	Hammond	McFarlane	Sargent	White E H
De Groot	Hamn	McGrath	Schmidt	White L H
Donnelly	Hawley	McInerney	Scott	Whitley
Draper	Hemenway	McLaughlin	Shea	Whitney
Duell	Hoey	Mead	Smith A E	Williams
Eagleton	Howard	Merritt	Smith C	Wood
Edwards	Jordan	Millen	Smith F L	Yale
Evans	Klein	Miller J L	Spielberg	Young E
Farrar	Lachman	Miller W G	Staley	Young F L
Fay	Lanahan	Murphy C F		

Ordered, That the Clerk engross said bill and deliver the same to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 2247) entitled "An act in relation to the annexation to the city of Syracuse of a certain portion of the town of Geddes, and in case such annexation is made to increase the number of wards in said city, and to make certain other provisions in relation to such annexation." (Int. No. 1000.)

Said bill having been announced for a second reading,

On motion of Mr. Hammond, said bill was laid aside, retaining its place on the order of second reading.

Mr. Speaker announced the special order, being the bill (No. 2224) entitled "An act authorizing and empowering the board of estimate and apportionment of the city of New York to select and



designate a site for an armory within the territory of Crotona park, in the borough of the Bronx, city of New York." (Int. No. 1673.)

On motion of Mr. Stein, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 132

NOES 1

Those who voted in the affirmative were:

Barden	Filley	Lansing	Murphy C F	Stein
Bates	Foley	Lazarus	Murphy F J	Stern
Baumann	Fowler	Lee	Murray	Sullivan
Baumes	Francis	Leffingwell	Neupert	Surpless
Bennett	Frisbie	Levy A J	Nolan	Thompson
Boshart	Garbe	Levy J	Odell	Thorn
Brady	Geoghegan	Lewis	O'Neil	Toombs
Brown C F	Gillen	Lowe	Parker F B	Travis
Brown G W	Glore	Lowman	Parker J S	Voss
Burhyte	Goldberg	Lupton	Partridge	Waddell
Callan	Goodspeed	MacGregor	Perkins	Walters
Caughlan	Graubard	Manley	Phillips C W	Ward
Cheney	Gray	Marks	Phillips J S	Waters
Clarke	Green	Marlatt	Reed	Weaver
Colne	Gunderman	Martin	Robinson	Weber
Conklin	Hackett	McCue	Rozan	Weimert
Costello	Haines	McElligott	Sanner	Wende
Cuvillier	Hammond	McFarlane	Sargent	White E H
De Groot	Hamn	McGrath	Schmidt	White L H
Donnelly	Hawley	McInerney	Scott	Whitley
Draper	Hemenway	McLaughlin	Shea	Whitney
Duell	Hoey	Mead	Smith A E	Williams
Eagleton	Howard	Merritt	Smith C	Wood
Edwards	Jordan	Millen	Smith F L	Yale
Evans	Klein	Miller J L	Spielberg	Young E
Farrar	Lachman	Miller W G	Staley	Young F L
Fay	Lanahan			

In the negative:

Oliver

Ordered, That the Clerk engross said bill and deliver the same to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 2261) entitled "An act to legalize, ratify and confirm the proceed-

ings of the trustees and officers and legal voters of the village of Valatie, relative to the issuance and sale of certain bonds of said village of Valatie." (Int. No. 1693.)

On motion of Mr. Callan, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 133

NOES 00

Those who voted in the affirmative were:

Barden	Filley	Lansing	Murphy F J	Stein
Bates	Foley	Lazarus	Murray	Stern
Baumann	Fowler	Lee	Neupert	Sullivan
Baumes	Francis	Leffingwell	Nolan	Surpless
Bennett	Frisbie	Levy A J	Odell	Thompson
Boshart	Garbe	Levy J	Oliver	Thorn
Brady	Geoghegan	Lewis	O'Neil	Toombs
Brown C F	Gillen	Lowe	Parker F B	Travis
Brown G W	Glore	Lowman	Parker J S	Voss
Burhyte	Goldberg	Lupton	Partridge	Waddell
Callan	Goodspeed	MacGregor	Perkins	Walters
Caughlan	Graubard	Manley	Phillips C W	Ward
Cheney	Gray	Marks	Phillips J S	Waters
Clarke	Green	Marlatt	Reed	Weaver
Colne	Gunderman	Martin	Robinson	Weber
Conklin	Hackett	McCue	Rozan	Weimert
Costello	Haines	McElligott	Sanner	Wende
Cuvillier	Hammond	McFarlane	Sargent	White E H
De Groot	Hamn	McGrath	Schmidt	White L H
Donnelly	Hawley	McInerney	Scott	Whitley
Draper	Hemenway	McLaughlin	Shea	Whitney
Duell	Hoey	Mead	Smith A E	Williams
Eagleton	Howard	Merritt	Smith C	Wood
Edwards	Jordan	Millen	Smith F L	Yale
Evans	Klein	Miller J L	Spielberg	Young E
Farrar	Lachman	Miller W G	Staley	Young F L
Fay	Laohan	Murphy C F		

Ordered, That the Clerk engross said bill and deliver the same to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 2227) entitled "An act to amend chapter sixty-five of the Laws of nineteen hundred and six, entitled 'An act to make the office of

sheriff of Ulster county a salaried office, and to regulate the management thereof,' in relation to mileage." (Int. No. 1676.)

On motion of Mr. Fowler, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 133

NOES 00

Those who voted in the affirmative were:

Barden	Filley	Lansing	Murphy F J	Stein
Bates	Foley	Lazarus	Murray	Stern
Baumann	Fowler	Lee	Neupert	Sullivan
Baumes	Francis	Leffingwell	Nolan	Surpless
Bennett	Frisbie	Levy A J	Odell	Thompson
Boshart	Garbe	Levy J	Oliver	Thorn
Brady	Geoghegan	Lewis	O'Neil	Toombs
Brown C F	Gillen	Lowe	Parker F B	Travis
Brown G W	Glore	Lowman	Parker J S	Voss
Burhyte	Goldberg	Lupton	Partridge	Waddell
Callan	Goodspeed	MacGregor	Perkins	Walters
Caughlan	Graubard	Manley	Phillips C W	Ward
Cheney	Gray	Marks	Phillips J S	Waters
Clarke	Green	Marlatt	Reed	Weaver
Colné	Gunderman	Martin	Robinson	Weber
Conklin	Hackett	McCue	Rozan	Weimert
Costello	Haines	McElligott	Sanner	Wende
Cuvillier	Hammond	McFarlane	Sargent	White E H
De Groot	Hamm	McGrath	Schmidt	White L H
Donnelly	Hawley	McInerney	Scott	Whitley
Draper	Hemenway	McLaughlin	Shea	Whitney
Duell	Hoey	Mead	Smith A E	Williams
Eagleton	Howard	Merritt	Smith C	Wood
Edwards	Jordan	Millen	Smith F L	Yale
Evans	Klein	Miller J L	Spielberg	Young E
Farrar	Lachman	Miller W G	Staley	Young F L
Fay	Lanahan	Murphy C F		

Ordered, That the Clerk engross said bill and deliver the same to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 2241) entitled "An act to amend the Agricultural Law, in relation to skim-milk or skim-cheese." (Int. No. 1178.)

Said bill having been announced for a second reading,



On motion of Mr. Glore, and by unanimous consent, said bill was ordered placed on the second and third reading calendar for Thursday next.

Mr. Speaker announced the special order, being the bill (No. 2254) entitled "An act to authorize the several towns in the county of Suffolk to establish police districts outside the limits of any incorporated village therein, and to elect within such districts by ballot one police justice, three commissioners, and to provide for police patrolmen within said districts." (Int. No. 1353.)

On motion of Mr. Lupton, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 134

NOES 00

Those who voted in the affirmative were:

Barden	Fay	Lanahan	Murphy C F	Stein
Bates	Filley	Lansing	Murphy F J	Stern
Baumann	Foley	Lazarus	Murray	Sullivan
Baumes	Fowler	Lee	Neupert	Surpless
Bennett	Francis	Leffingwell	Nolan	Thompson
Boshart	Frisbie	Levy A J	Odell	Thorn
Brady	Garbe	Levy J	Oliver	Toombs
Brennan	Geoghegan	Lewis	O'Neil	Travis
Brown C F	Gillen	Lowe	Parker F B	Voss
Brown G W	Glore	Lowman	Parker J S	Waddell
Burhyte	Goldberg	Lupton	Partridge	Walters
Callan	Goodspeed	MacGregor	Perkins	Ward
Caughlan	Graubard	Manley	Phillips C W	Waters
Cheney	Gray	Marks	Phillips J S	Weaver
Clarke	Green	Marlatt	Reed	Weber
Colné	Gunderman	Martin	Robinson	Weimert
Conklin	Hackett	McCue	Rozan	Wende
Costello	Haines	McElligott	Sanner	White E H
Cuvillier	Hammond	McFarlane	Sargent	White L H
De Groot	Hamn	McGrath	Schmidt	Whitley
Donnelly	Hawley	McInerney	Scott	Whitney
Draper	Hemenwa	McLaughlin	Shea	Williams
Duell	Hoey	Mead	Smith A E	Wood
Eagleton	Howard	Merritt	Smith C	Yale
Edwards	Jordan	Millen	Smith F L	Young E
Evans	Klein	Miller J L	Spielberg	Young F L
Farrar	Lachman	Miller W G	Staley	

Ordered, That the Clerk engross said bill and deliver the same to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 2257) entitled "An act for the relief of the town of Fremont, in the county of Sullivan." (Int. No. 1689.)

On motion of Mr. Millen, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 134

NOES 00

Those who voted in the affirmative were:

Barden	Fay	Lanahan	Murphy C F	Stein
Bates	Filley	Lansing	Murphy F J	Stern
Baumann	Foley	Iazarus	Murray	Sullivan
Baumes	Fowler	Lee	Neupert	Surpless
Bennett	Francis	Leffingwell	Nolan	Thompson
Boshart	Frisbie	Levy A J	Odell	Thorn
Brady	Garbe	Levy J	Oliver	Toombs
Brennan	Geoghegan	Lewis	O'Neil	Travis
Brown C F	Gillen	Lowé	Parker F B	Voss
Brown G W	Glore	Lowman	Parker J S	Waddell
Burhyte	Goldberg	Lupton	Partridge	Walters
Callan	Goodspeed	MacGregor	Perkins	Ward
Caughlan	Graubard	Manley	Phillips C W	Waters
Cheney	Gray	Marks	Phillips J S	Weaver
Clarke	Green	Marlatt	Reed	Weber
Colné	Gunderman	Martin	Robinson	Weimert
Conklin	Hackett	McCue	Rozan	Wende
Costello	Haines	McElligott	Sanner	White E H
Cuvillier	Hammond	McFarlane	Sargent	White L H
De Groot	Hamn	McGrath	Schmidt	Whitley
Donnelly	Hawley	McInerney	Scott	Whitney
Draper	Hemenway	McLaughlin	Shea	Williams
Duell	Hoey	Mead	Smith A E	Wood
Eagleton	Howard	Merritt	Smith C	Yale
Edwards	Jordan	Millen	Smith F L	Young E
Evans	Klein	Miller J L	Spielberg	Young F L
Farrar	Lachman	Miller W G	Staley	

Ordered, That the Clerk engross said bill and deliver the same to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 2228) entitled "An act to amend the Education Law, relating to

the board of trustees and treasurer of the State School of Agriculture at Saint Lawrence University." (Int. No. 1677.)

On motion of Mr. Merritt, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 133

NOES 00

Those who voted in the affirmative were:

Barden	Filley	Lansing	Murphy, F. J.	Stein
Bates	Foley	Lazarus	Murray	Stern
Baumann	Fowler	Lee	Neupert	Sullivan
Baumes	Francis	Leffingwell	Nolan	Surpless
Bennett	Frisbie	Levy A J	Odell	Thompson
Boshart	Garbe	Levy J	Oliver	Thorn
Brady	Geoghegan	Lewis	O'Neil	Toombs
Brown C F	Gillen	Lowe	Parker F B	Travis
Brown G W	Glore	Lowman	Parker J S	Voss
Burhyte	Goldberg	Lupton	Partridge	Waddell
Callan	Goodspeed	MacGregor	Perkins	Walters
Caughlan	Graubard	Manley	Phillips C W	Ward
Cheney	Gray	Marks	Phillips J S	Waters
Clarke	Green	Marlatt	Reed	Weaver
Colné	Gunderman	Martin	Robinson	Weber
Conklin	Hackett	McCue	Rozan	Weimert
Costello	Haines	McElligott	Sanner	Wende
Cuvillier	Hammond	McFarlane	Sargent	White E H
De Groot	Hamn	McGrath	Schmidt	White L H
Donnelly	Hawley	McInerney	Scott	Whitley
Draper	Hemenway	McLaughlin	Shea	Whitney
Duell	Hoev	Mead	Smith A E	Williams
Eagleton	Howard	Merritt	Smith C	Wood
Edwards	Jordan	Millen	Smith F L	Yale
Evans	Klein	Miller J L	Spielberg	Young E
Farrar	Lachman	Miller W G	Staley	Young F L
Fay	Lanahan	Murphy C F		

Ordered. That the Clerk engross said bill and deliver the same to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 2235) entitled "An act to make an appropriation for the payment of the judgments of the Court of Claims, in claims other than those on account of the canals of this State." (Int. No. 1684.)



On motion of Mr. Merritt, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 133

NOES 00

Those who voted in the affirmative were:

Barden	Filley	Lensing	Murphy F J	Stein
Bates	Foley	Lazarus	Murray	Stern
Baumänn	Fowler	Lee	Neupert	Sullivan
Baumes	Francis	Leffingwell	Nolen	Surpless
Bennett	Frisbie	Levy A J	Odell	Thompson
Boshart	Garbe	Levy J	Oliver	Thorn
Brady	Geoghegan	Lewis	O'Neil	Toombs
Brown C F	Gillen	Lowe	Parker F B	Travis
Brown G W	Glore	Lowman	Parker J S	Voss
Burhyte	Goldberg	Lupton	Partridge	Waddell
Callan	Goodspeed	MacGregor	Perkins	Walters
Caughlan	Graubard	Manley	Phillips C W	Ward
Cheney	Gray	Marks	Phillips J S	Waters
Clarke	Green	Marlatt	Reed	Weaver
Colné	Gunderman	Martin	Robinson	Weber
Conklin	Hackett	McCue	Rozan	Weimert
Costello	Haines	McElligott	Sanner	Wende
Cuvillier	Hammond	McFarlane	Sargent	White E H
De Groot	Hamm	McGrath	Schmidt	White L H
Donnelly	Hawley	McInerney	Scott	Whitley
Draper	Hemenway	McLaughlin	Shea	Whitney
Duell	Hoey	Mead	Smith A E	Williams
Eagleton	Howard	Merritt	Smith C	Wood
Edwards	Jordan	Millen	Smith F L	Yale
Evans	Klein	Miller J L	Spielberg	Young E
Farrar	Lachman	Miller W G	Staley	Young F L
Fay	Lanahan	Murphy C F		

Ordered, That the Clerk engross said bill and deliver the same to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 2236) entitled "An act to make an appropriation for the payment of the judgments of the Court of Claims, in claims arising on account of the canals of this State." (Int. No. 1685.)

On motion of Mr. Merritt, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 133

NOES 00

Those who voted in the affirmative were:

Barden	Filley	Lansing	Murphy F J	Stein
Bates	Foley	Lazarus	Murray	Stern
Baumann	Fowler	Lee	Neupert	Sullivan
Baumes	Francis	Leffingwell	Nolan	Surpless
Bennett	Frisbie	Levy A J	Odell	Thompson
Boshart	Garbe	Levy J	Oliver	Thorn
Brady	Geoghegan	Lewis	O'Neil	Toombs
Brown C F	Gillen	Lowe	Parker F B	Travis
Brown G W	Glore	Lowman	Parker J S	Voss
Burhyte	Goldberg	Lupton	Partridge	Waddell
Callan	Goodspeed	MacGregor	Perkins	Walters
Caughlan	Graubard	Manley	Phillips C W	Ward
Cheney	Gray	Marks	Phillips J S	Waters
Clarke	Green	Marlatt	Reed	Weaver
Colné	Gunderman	Martin	Robinson	Weber
Conklin	Hackett	McCue	Rozan	Weimert
Costello	Haines	McElligott	Sanner	Wende
Cuvillier	Hammond	McFarlane	Sargent	White E H
De Groot	Hamm	McGrath	Schmidt	White L H
Donnelly	Hawley	McInerney	Scott	Whitley
Draper	Hemenway	McLaughlin	Shea	Whitney
Duell	Hoey	Mead	Smith A E	Williams
Eagleton	Howard	Merritt	Smith C	Wood
Edwards	Jordan	Millen	Smith F L	Yale
Evans	Klein	Miller J L	Spielberg	Young E
Farrar	Lachman	Miller W G	Staley	Young F L
Fay	Lanahan	Murphy C F		

Ordered. That the Clerk engross said bill and deliver the same to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 2258) entitled "An act making an appropriation for the Attorney-General." (Int. No. 1690.)

On motion of Mr. Merritt, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 133

NOES 00

Those who voted in the affirmative were:

Barden	Filley	Lansing	Murphy F J	Stein
Bates	Foley	Lazarus	Murray	Stern
Baumann	Fowler	Lee	Neupert	Sullivan
Baumes	Francis	Leffingwell	Nolan	Surpless
Bennett	Frisbie	Levy A J	Odell	Thompson
Boshart	Garbe	Levy J	Oliver	Thorn
Brady	Geoghegan	Lewis	O'Neil	Toombs
Brown C F	Gillen	Lowe	Parker F B	Travis
Brown G W	Glore	Lowman	Parker J S	Voss
Burhyte	Goldberg	Lupton	Partridge	Waddell
Callan	Goodspeed	MacGregor	Perkins	Walters
Caughlan	Graubard	Manley	Phillips C W	Ward
Cheney	Gray	Marks	Phillips J S	Waters
Clarke	Green	Marlatt	Reed	Weaver
Colné	Gunderman	Martin	Robinson	Weber
Conklin	Hackett	McCue	Rozan	Weimert
Costello	Haines	McElligott	Sanner	Wende
Cuvillier	Hammond	McFarlane	Sargent	White E H
De Groot	Hamn	McGrath	Schmidt	White L H
Donnelly	Hawley	McInerney	Scott	Whitley
Draper	Hemenwaw	McLaughlin	Shea	Whitney
Duell	Hoey	Mead	Smith A E	Williams
Eagleton	Howard	Merritt	Smith C	Wood
Edwards	Jordan	Millen	Smith F L	Yale
Evans	Klein	Miller J L	Spielberg	Young E
Farrar	Lachman	Miller W G	Staley	Young F L
Fay	Lanahan	Murphy C F		

Ordered, That the Clerk engross said bill and deliver the same to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 2038) entitled "An act to incorporate the Providence Hospital." (Int. No. 1558.)

On motion of Mr. Sargent, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.



AYES 133

NOES 00

Those who voted in the affirmative were:

Barden	Fillee	Lansing	Murphy F J	Stein
Bates	Foley	Lazarus	Murray	Stern
Baumann	Fowler	Lee	Neupert	Sullivan
Baumes	Francis	Leffingwell	Nolan	Surpless
Bennett	Frisbie	Levy A J	Odell	Thompson
Boshart	Garbe	Levy J	Oliver	Thorn
Brady	Geoghegan	Lewis	O'Neil	Toombs
Brown C F	Gillen	Lowe	Parker F B	Travis
Brown G W	Glore	Lowman	Parker J S	Voss
Burhyte	Goldberg	Lupton	Partridge	Waddell
Callan	Goodspeed	MacGregor	Perkins	Walters
Caughlan	Graubard	Manley	Phillips C W	Ward
Cheney	Gray	Marks	Phillips J S	Waters
Clarke	Green	Marlatt	Reed	Weaver
Colne	Gunderman	Martin	Robinson	Weber
Conklin	Hackett	McCue	Rozan	Weimert
Costello	Haines	McElligott	Sanner	Wende
Cuvillier	Hammond	McFarlane	Sargent	White E H
De Groot	Hamn	McGrath	Schmidt	White L H
Donnelly	Hawley	McInerney	Scott	Whitley
Draper	Hemenway	McLaughlin	Shea	Whitney
Duell	Hoey	Mead	Smith A E	Williams
Eagleton	Howard	Merritt	Smith C	Wood
Edwards	Jordan	Millen	Smith F L	Yale
Evans	Klein	Miller J L	Spielberg	Young E
Farrar	Lachman	Miller W G	Staley	Young F L
Fay	Laanahan	Murphy C F		

Ordered, That the Clerk engross said bill and deliver same to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 2286) entitled "An act making provision for issuing bonds to the amount of not to exceed seven million dollars for the improvement of the Cayuga and Seneca canals, and providing for a submission of the same to the people to be voted upon at the general election to be held in the year nineteen hundred and nine." (Int. No. 1713.)

Said bill having been announced,

Mr. Martin moved that said bill be recommitted to the committee on rules, with instructions to report the same forthwith, amended as follows:

On page 4, line 15, strike out the figures "508" and substitute the words "five hundred and eight", and strike out the figures "1907" and substitute the words "nineteen hundred and eight"; and on page 7, line 2, strike out the word "of" and substitute the word "or".

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Speaker, from the committee on rules, reported said bill amended as directed, and the same was ordered reprinted and placed on the order of second reading.

Mr. Speaker announced the special order, being the bill (No. 2225) entitled "An act to amend the Decedent Estate Law, in relation to the authentication of foreign wills, records and papers relating to decedent's estates." (Int. No. 1674.)

On motion of Mr. Toombs, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 134

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Lanahan	Murphy C F	Stein
Barden	Filley	Lansing	Murphy F J	Stern
Bates	Foley	Lazarus	Murray	Sullivar
Baumann	Fowler	Lee	Neupert	Surpless
Baumes	Francis	Leffingwell	Nolan	Thompson
Bennett	Frisbie	Levy A J	Odell	Thorn
Boshart	Garbe	Levy J	Oliver	Toombs
Brady	Geoghegan	Lewis	O'Neil	Travis
Brown C F	Gillen	Lowe	Parker F B	Voss
Brown G W	Glore	Lowman	Parker J S	Waddell
Burhyte	Goldberg	Lupton	Partridge	Walters
Callan	Goodspeed	MacGregor	Perkins	Ward
Caughlan	Graubard	Manley	Phillips C W	Waters
Cheney	Gray	Marks	Phillips J S	Weaver
Clarke	Green	Marlatt	Reed	Weber
Colné	Gunderman	Martin	Robinson	Weimert
Conklin	Hackett	McCue	Rozan	Wende
Costello	Haines	McElligott	Sanner	White E H
Cuvillier	Hammond	McFarlane	Sargent	White L H
De Groot	Hamm	McGrath	Schmidt	Whitley
Donnelly	Hawley	McInerney	Scott	Whitney
Draper	Hemenway	McLaughlin	Shea	Williams
Duell	Hoey	Mead	Smith A E	Wood
Eagleton	Howard	Merritt	Smith C	Yale
Edwards	Jordan	Millen	Smith F L	Young E
Evans	Klein	Miller J L	Spielberg	Young F L
Farrar	Lachman	Miller W G	Staley	

Ordered, That the Clerk engross said bill and deliver the same to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 2046) entitled "An act to amend the Greater New York charter, relative to granting authority to the commissioners of the sinking fund to lease or grant certain interests or rights in lands acquired by the city outside the limits of said city." (Int. No. 1569.)

On motion of Mr. Thompson, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 134

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Lanahan	Murphy C F	Stein
Barden	Filley	Lansing	Murphy F J	Stern
Bates	Foley	Lazarus	Murray	Sullivan
Baumann	Fowler	Lee	Neupert	Surpless
Baumes	Francis	Leffingwell	Nolan	Thompson
Bennett	Frisbie	Levy A J	Odell	Thorn
Boshart	Garbe	Levy J	Oliver	Toombs
Brady	Geoghegan	Lewis	O'Neil	Travis
Brown C F	Gillen	Lowe	Parker F B	Voss
Brown G W	Glore	Lowman	Parker J S	Waddell
Burhyte	Goldberg	Lupton	Partridge	Walters
Callan	Goodspeed	MacGregor	Perkins	Ward
Caughlan	Graubard	Manley	Phillips C W	Waters
Cheney	Gray	Marks	Phillips J S	Weaver
Clarke	Green	Marlatt	Reed	Weber
Colné	Gunderman	Martin	Robinson	Weimert
Conklin	Hackett	McCue	Rozan	Wende
Costello	Haines	McElligott	Sanner	White E H
Cuvillier	Hammond	McFarlane	Sargent	White L H
De Groot	Hamm	McGrath	Schmidt	Whitley
Donnelly	Hawley	McInerney	Scott	Whitney
Draper	Hemenway	McLaughlin	Shea	Williams
Duell	Hoey	Mead	Smith A E	Wood
Eagleton	Howard	Merritt	Smith C	Yale
Edwards	Jordan	Millen	Smith F L	Young E
Evans	Klein	Miller J L	Spielberg	Young F L
Farrar	Lachman	Miller W G	Staley	



Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 2198) entitled "An act to amend the Judiciary Law, in relation to the salary of the stenographers of the County Court of Monroe county." (Int. No. 1661.)

On motion of Mr. Whitley, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 133

NOES 00

Those who voted in the affirmative were:

Barden	Filley	Lansing	Murphy F J	Stein
Bates	Foley	Lazarus	Murray	Stern
Baumann	Fowler	Lee	Neupert	Sullivan
Baumes	Francis	Leffingwell	Nolan	Surples
Bennett	Frisbie	Levy A J	Odell	Thompson
Boshart	Garbe	Levy J	Oliver	Thorn
Brady	Geoghegan	Lewis	O'Neil	Toombs
Brown C F	Gillen	Lowe	Parker F B	Travis
Brown G W	Glore	Lowman	Parker J S	Voss
Burhyte	Goldberg	Lupton	Partridge	Waddell
Callan	Goodspeed	MacGregor	Perkins	Walters
Caughlan	Graubard	Manley	Phillips C W	Ward
Cheney	Gray	Marks	Phillips J S	Waters
Clarke	Green	Marlatt	Reed	Weaver
Colné	Gunderman	Martin	Robinson	Weber
Conklin	Hackett	McCue	Rozan	Weimert
Costello	Haines	McElligott	Sanner	Wende
Cuvillier	Hammond	McFarlane	Sargent	White E H
De Groot	Hamn	McGrath	Schmidt	White L H
Donnelly	Hawley	McInerney	Scott	Whitley
Draper	Hemenway	McLaughlin	Shea	Whitney
Duell	Hoey	Mead	Smith A E	Williams
Eagleton	Howard	Merritt	Smith C	Wood
Edwards	Jordan	Millen	Smith F L	Yale
Evans	Klein	Miller J L	Spielberg	Young E
Farrar	Lachman	Miller W G	Staley	Young F L
Fay	Lanahan	Murphy C F		

Ordered, That the Clerk engross said bill and deliver the same to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 2197) entitled "An act to amend chapter seven hundred and fifty-five of the Laws of nineteen hundred and seven, entitled 'An act constituting the charter of the city of Rochester,' in relation to the Municipal Court." (Int. No. 1660.)

On motion of Mr. Whitley, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 133

NOES 00

Those who voted in the affirmative were:

Barden	Filley	Lansing	Murphy F J	Stein
Bates	Foley	Lazarus	Murray	Stern
Baumann	Fowler	Lee	Neupert	Sullivan
Baumes	Francis	Leffingwell	Nolan	Surpless
Bennett	Frisbie	Levy A J	Odell	Thompson
Boshart	Garbe	Levy J	Oliver	Thorn
Brady	Geoghegan	Lewis	O'Neil	Toombs
Brown C F	Gillen	Lowe	Parker F B	Travis
Brown G W	Glore	Lowman	Parker J S	Voss
Burhyte	Goldberg	Lupton	Partridge	Waddell
Callan	Goodspeed	MacGregor	Perkins	Walters
Caughlan	Graubard	Manley	Phillips C W	Ward
Cheney	Gray	Marks	Phillips J S	Waters
Clarke	Green	Marlatt	Reed	Weaver
Colné	Gunderman	Martin	Robinson	Weber
Conklin	Hackett	McCue	Rozan	Weimert
Costello	Haines	McElligott	Sanner	Wende
Cuvillier	Hammond	McFarlane	Sargent	White E H
De Groot	Hamn	McGrath	Schmidt	White L H
Donnelly	Hawley	McInerney	Scott	Whitley
Draper	Hemenway	McLaughlin	Shea	Whitney
Duell	Hoey	Meal	Smith A E	Williams
Eagleton	Howard	Merritt	Smith C	Wood
Edwards	Jordan	Millen	Smith F L	Yale
Evars	Klein	Miller J L	Spielberg	Young E
Farrer	Lachman	Miller W G	Staley	Young F L
Fay	Lanahan	Murphy C F		

Ordered, That the Clerk engross said bill and deliver the same to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No.

970) entitled "An act to amend chapter nineteen of the Consolidated Laws, being the Forest, Fish and Game Law, in relation to the open season for trout in Delaware county." (Int. No. 871.)

On motion of Mr. Williams, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 133

NOES 00

Those who voted in the affirmative were:

Barden	Filley	Lansing	Murphy F J	Stein
Bates	Foley	Lazarus	Murray	Stern
Baumann	Fowler	Lee	Neupert	Sullivan
Baumes	Francis	Leffingwell	Nolan	Surpless
Bennett	Frisbie	Levy A J	Odell	Thompson
Boshart	Garbe	Levy J	Oliver	Thorn
Brady	Geoghegan	Lewis	O'Neil	Toombs
Brown C F	Gillen	Lowe	Parker F B	Travis
Brown G W	Glore	Lowman	Parker J S	Voss
Burhyte	Goldberg	Lupton	Partridge	Waddell
Callan	Goodspeed	MacGregor	Perkins	Walters
Caughlan	Graubard	Manley	Phillips C W	Ward
Cheney	Gray	Marks	Phillips J S	Waters
Clarke	Green	Marlatt	Reed	Weaver
Colné	Gunderman	Martin	Robinson	Weber
Conklin	Hackett	McCue	Rozan	Weimert
Costello	Haines	McElligott	Sanner	Wende
Cuvillier	Hammond	McFarlane	Sargent	White E H
De Groot	Hamn	McGrath	Schmidt	White L H
Donneily	Hawley	McInerney	Scott	Whitley
Draper	Hemenway	McLaughlin	Shea	Whitney
Duell	Hoey	Mead	Smith A E	Williams
Eagleton	Howard	Merritt	Smith C	Wood
Edwards	Jordan	Millen	Smith F L	Yale
Evans	Klein	Miller J L	Spielberg	Young E
Farrar	Lachman	Miller W G	Staley	Young F L
Fay	Lanahan	Murphy C F		

Ordered, That the Clerk engross said bill and deliver the same to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 2260) entitled "An act to authorize the board of trustees of the village of Ellenville, in the county of Ulster, to provide for a



supply of water for such village and to raise the necessary funds therefor by issuing and selling village bonds." (Int. No. 1692.)

On motion of Mr. E. Young, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 133

NOES 00

Those who voted in the affirmative were:

Barden	Filley	Lansing	Murphy F J	Stein
Bates	Foley	Lazarus	Murray	Stern
Baumann	Fowler	Lee	Neupert	Sullivan
Baumes	Francis	Leffingwell	Nolan	Surpless
Bennett	Frisbie	Levy A J	Odell	Thompson
Boshart	Garbe	Levy J	Oliver	Thorn
Brady	Geoghegan	Lewis	O'Neil	Toombs
Brown C F	Gillen	Lowe	Parker J B	Travis
Brown G W	Glore	Lowman	Parker J S	Voss
Burhyte	Goldberg	Lupton	Partridge	Waddell
Callan	Goodspeed	MacGregor	Perkins	Walters
Caughlan	Graubard	Manley	Phillips C W	Ward
Cheney	Gray	Marks	Phillips J S	Waters
Clarke	Green	Marlatt	Reed	Weaver
Colné	Gunderman	Martin	Robinson	Weber
Conklin	Hackett	McCue	Rozan	Weimert
Costello	Haines	McElligott	Sanner	Wende
Cuvillier	Hammond	McFarlane	Sargent	White E H
De Groot	Hamn	McGrath	Schmidt	White L H
Donnelly	Hawley	McInerney	Scott	Whitley
Draper	Hemenway	McLaughlin	Shea	Whitney
Duell	Hoey	Mead	Smith A E	Williams
Eagleton	Howard	Merritt	Smith C	Wood
Edwards	Jordan	Millen	Smith F L	Yale
Evans	Klein	Miller J L	Spielberg	Young E
Farrar	Lachman	Miller W G	Staley	Young F L
Fay	Lanahan	Murphy C F		

Ordered, That the Clerk engross said bill and deliver the same to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 1720) entitled "An act to amend the Transportation Corporations Law, in relation to the supplying of gas or electric light." (Int. No. 1406.)

Said bill having been announced, Mr. Yale moved to amend as follows:

On page 1, line 8, correct the printed bill by taking out the "s" in the word "moneys" to make it correspond to the original law, which contains the word "money".

On page 2, line 21, after the word "hundred" insert "but not more than five hundred."

On page 2, line 26, after the word "supply" insert "the occupant of".

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Ordered, That said bill be reprinted and restored to the special order of second and third reading.

Mr. Speaker announced the special order, being the bill (No. 1089) entitled "An act to amend the Code of Civil Procedure, relating to matrimonial actions." (Int. No. 971.)

Said bill having been announced, Mr. MacGregor moved to amend as follows:

Page 2, line 22, strike out the words "or bigamy".

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Ordered, That said bill be reprinted and restored to the special order of second and third reading.

Mr. Speaker announced the special order, being the Senate bill (No. 939) entitled "An act to amend the Tax Law, in relation to the salary of the transfer tax clerk in Albany county." (Rec. No. 246.)

On motion of Mr. Waters, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 134

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Lanahan	Murphy C F	Stein
Barden	Filley	Lansing	Murphy F J	Stern
Bates	Foley	Lazarus	Murray	Sullivan
Baumann	Fowler	Lee	Neupert	Surpless
Baumes]	Francis	Leffingwell	Nolan	Thompson
Bennett	Frisbie	Levy A J	Odell	Thorn
Boshart	Garbe	Levy J	Oliver	Toombs
Brady	Geoghegan	Lewis	O'Neil	Travis
Brown C F	Gillen	Lowe	Parker F B	Voss
Brown G W	Glore	Lowman	Parker J S	Waddell
Burhyte	Goldberg	Lupton	Partridge	Walters
Callan	Goodspeed	MacGregor	Perkins	Ward
Caughlan	Graubard	Manley	Phillips C W	Waters
Cheney	Gray	Marks	Phillips J S	Weaver
Clarke	Green	Marlatt	Reed	Weber
Colné	Gunderman	Martin	Robinson	Weimert
Conklin	Hackett	McCue	Rozan	Wende
Costello	Haines	McElligott	Sanner	White E H
Cuvillier	Hammond	McFarlane	Sargent	White L H
De Groot	Hamn	McGrath	Schmidt	Whitley
Donnelly	Hawley	McInerney	Scott	Whitney
Draper	Hemenway	McLaughlin	Shea	Williams
Duell	Hoey	Mead	Smith A E	Wood
Eagleton	Howard	Merritt	Smith C	Yale
Edwards	Jordan	Millen	Smith F L	Young E
Evans	Klein	Miller J L	Spielberg	Young F L
Farrar	Lachman	Miller W G	Staley	

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 834) entitled "An act to amend chapter two hundred and eighteen of the Laws of eighteen hundred and eighty-four, entitled 'An act to regulate the commitment and discharge of certain prisoners, tramps and vagrants in Albany county, and to prescribe the effect thereof, to provide for the support of the prisoners in the jail in the city of Albany and to fix the duties and compensation of the sheriff of said county and of certain employees in the jail in said city,' in relation to the compensation of the sheriff and his employees." (Rec. No. 248.)

On motion of Mr. Waters, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.



Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 134

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Lanahan	Murphy C F	Stein
Barden	Filley	Lansing	Murphy F J	Stern
Bates	Foley	Lazarus	Murray	Sullivan
Baumann	Fowler	Lee	Neupert	Surpless
Baumes	Francis	Leffingwell	Nolan	Thompson
Bennett	Frisbie	Levy A J	Odell	Thorn
Boshart	Garbe	Levy J	Oliver	Toombs
Brady	Geoghegan	Lewis	O'Neil	Travis
Brown C F	Gillen	Lowe	Parker F B	Voss
Brown G W	Glore	Lowman	Parker J S	Waddell
Burhyte	Goldberg	Lupton	Partridge	Walters
Callan	Goodspeed	MacGregor	Perkins	Ward
Caughlan	Graubard	Manley	Phillips C W	Waters
Cheney	Gray	Marks	Phillips J S	Weaver
Clarke	Green	Marlatt	Reed	Weber
Colné	Gunderman	Martin	Robinson	Weimert
Conklin	Hackett	McCue	Rozan	Wende
Costello	Haines	McElligott	Sanner	White E H
Cuvillier	Hammond	McFarlane	Sargent	White L H
De Groot	Hamm	McGrath	Schmidt	Whitley
Donnelly	Hawley	McInerney	Scott	Whitney
Draper	Hemenway	McLaughlin	Shea	Williams
Duell	Hoey	Mead	Smith A F	Wood
Eagleton	Howard	Merritt	Smith C	Yale
Edwards	Jordan	Millen	Smith F L	Young E
Evans	Klein	Miller J L	Spielberg	Young F L
Farrar	Lachman	Miller W G	Staley	

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 833) entitled "An act in relation to certain deputy sheriffs in the county of Albany." (Rec. No. 247.)

On motion of Mr. Waters, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree

to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 134

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Lanahan	Murphy C F	Stein
Barden	Filey	Lansing	Murphy F J	Stern
Bates	Foley	Lazarus	Murray	Sullivan
Baumann	Fowler	Lee	Neupert	Surpless
Baumes	Francis	Leffingwell	Nolan	Thompson
Bennett	Frisbie	Levy A J	Odell	Thorn
Boshart	Garbe	Levy J	Oliver	Toombs
Brady	Geoghegan	Lewis	O'Neil	Travis
Brown C F	Gillen	Lowe	Parker F B	Voss
Brown G W	Glore	Lowman	Parker J S	Waddell
Burhyte	Goldberg	Lupton	Partridge	Walters
Callan	Goodspeed	MacGregor	Perkins	Ward
Caughlan	Graubard	Manley	Phillips C W	Waters
Cheney	Gray	Marks	Phillips J S	Weaver
Clarke	Green	Marlatt	Reed	Weber
Colné	Gunderman	Martin	Robinson	Weimert
Conklin	Hackett	McCue	Rozan	Wende
Costello	Haines	McElligott	Sanner	White E H
Cuvillier	Hammond	McFarlane	Sargent	White L H
De Groot	Hamn	McGrath	Schmidt	Whitley
Donnelly	Hawley	McInerney	Scott	Whitney
Draper	Hemenway	McLaughlin	Shea	Williams
Duell	Hoey	Mead	Smith A E	Wood
Eagleton	Howard	Merritt	Smith C	Yale
Edwards	Jordan	Millen	Smith F L	Young E
Evans	Klein	Miller J L	Spielberg	Young F L
Farrar	Lachman	Miller W G	Staley	

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 730) entitled "An act to amend the Code of Civil Procedure, in relation to payment of moneys deposited in court in actions for partition." (Rec. No. 171.)

Said bill having been announced for a second reading,

On motion of Mr. Waters, and by unanimous consent, said bill was ordered placed on the second and third reading calendar for Thursday next.

Mr. Speaker announced the special order, being the Senate bill (No. 906) entitled "An act to amend section two hundred and

sixty of the Consolidated Real Estate Property Law, constituting chapter fifty of the Consolidated Laws." (Rec. No. 178.)

On motion of Mr. Allen, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 135

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Lanahan	Murphy C F	Staley
Barden	Filley	Lansing	Murphy F J	Stein
Bates	Foley	Lazarus	Murray	Stern
Baumann	Fowler	Lee	Neupert	Sullivan
Baumes	Francis	Leffingwell	Nolan	Surpless
Bennett	Frisbie	Levy A J	Odell	Thompson
Boshart	Garbe	Levy J	Oliver	Thorn
Brady	Geoghegan	Lewis	O'Neil	Toombs
Brown C F	Gillen	Lowe	Parker F B	Travis
Brown G W	Glore	Lowman	Parker J S	Voss
Burhyte	Goldberg	Lupton	Partridge	Waddell
Callan	Goodspeed	MacGregor	Perkins	Walters
Caughlan	Graubard	Manley	Phillips C W	Ward
Cheney	Gray	Marks	Phillips J S	Waters
Clarke	Green	Marlatt	Reed	Weaver
Colné	Gunderman	Martin	Robinson	Weber
Conklin	Hackett	McCue	Rozan	Weimert
Costello	Haines	McElligott	Sanner	Wende
Cuvillier	Hammond	McFarlane	Sargent	White E H
De Groot	Hamn	McGrath	Schmidt	White L H
Donnelly	Hawley	McInerney	Schutta	Whitley
Draper	Hemenway	McLaughlin	Scott	Whitney
Duell	Hoe	Mead	Shea	Williams
Eagleton	Howard	Merritt	Smith A E	Wood
Edwards	Jordan	Millen	Smith C	Yale
Evans	Klein	Miller J L	Smith F L	Young E
Farrar	Lachman	Miller W G	Spielberg	Young F L

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

The bill (No. 1791) entitled "An act to amend the Liquor Tax Law, in relation to liquor tax" (Int. No. 1442), was read the second time.



On motion of Mr. Voss, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 2276) entitled "An act to amend the Greater New York charter, relative to the operation of ferries and the acquirement of property therefor" (Int. No. 940), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 133

NOES 00

Those who voted in the affirmative were:

Barden	Filley	Lansing	Murphy F J	Stein
Bates	Foley	Lazarus	Murray	Stern
Baumann	Fowler	Lee	Neupert	Sullivan
Baumes	Francis	Leffingwell	Nolan	Surpless
Bennett	Frisbie	Levy A J	Odell	Thompson
Boshart	Garbe	Levy J	Oliver	Thorn
Brady	Geoghegan	Lewis	O'Neil	Toombs
Brown C F	Gillen	Lowe	Parker F B	Travis
Brown G W	Glore	Lowman	Parker J S	Voss
Burhyte	Goldberg	Lupton	Partridge	Waddell
Callan	Goodspeed	MacGregor	Perkins	Walters
Caughlan	Graubard	Manley	Phillips C W	Ward
Cheney	Gray	Marks	Phillips J S	Waters
Clarke	Green	Marlatt	Reed	Weaver
Colné	Gunderman	Martin	Robinson	Weber
Conklin	Hackett	McCue	Rozan	Weimert
Costello	Haines	McElligott	Sanner	Wende
Cuvillier	Hammond	McFarlane	Sargent	White E H
De Groot	Hamn	McGrath	Schmidt	White L H
Donnelly	Hawley	McInerney	Scott	Whitley
Draper	Hemenway	McLaughlin	Shea	Whitney
Duell	Hoey	Mead	Smith A E	Williams
Eagleton	Howard	Merritt	Smith C	Wood
Edwards	Jordan	Millen	Smith F L	Yale
Evans	Klein	Miller J L	Spielberg	Young E
Farrar	Lachman	Miller W G	Staley	Young F L
Fay	Lanahan	Murphy C F		

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 2176) entitled "An act to amend the Insurance Law, relative to proceedings against the liquidation of delinquent insurance corporations" (Int. No. 947), having been announced for a third reading,

Mr. Hamn moved that said bill be recommitted to the committee on insurance, with instructions to report the same forthwith, amended as follows:

Page 2, line 24, insert “, the Attorney-General representing him,” after the word “may”.

Page 3, line 13, insert “, the Attorney-General representing him,” after the word “superintendent”.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Hamn, from the committee on insurance, reported said bill amended as directed, and the same was ordered reprinted and placed on the order of third reading.

The bill (No. 2239) entitled “An act to amend chapter four hundred and ten of the Laws of eighteen hundred and eighty-two, entitled ‘An act to consolidate into one act and to declare the special and local laws affecting public interests in the city of New York,’ in relation to Hell Gate pilots” (Int. No. 1202), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 134

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Lenahan	Murphy C F	Stein
Barden	Filley	Lansing	Murphy F J	Stern
Bates	Foley	Lazarus	Murray	Sullivan
Baumann	Fowler	Lee	Neupert	Surpless
Baumes	Francis	Leffingwell	Nolan	Thompson
Bennett	Frisbie	Levy A J	Odell	Thorn
Boshart	Garbe	Levy J	Oliver	Toombs
Brady	Geoghegan	Lewis	O'Neil	Travis
Brown C F	Gillen	Lowe	Parker F B	Voss
Brown G W	Glore	Lowman	Parker J S	Waddell
Burhyte	Goldberg	Lupton	Partridge	Walters
Callan	Goodspeed	MacGregor	Perkins	Ward
Caughlan	Graubard	Manley	Phillips C W	Waters
Cheney	Gray	Marks	Phillips J S	Weaver
Clarke	Green	Marlatt	Reed	Weber
Colné	Gunderman	Martin	Robinson	Weimert
Conklin	Hackett	McCue	Rozan	Wende

Costello	Haines	McElligott	Sanner	White E H
Cuvillier	Hammond	McFarlane	Sargent	White L H
De Groot	Hamn	McGrath	Schmidt	Whitley
Donnelly	Hawley	McInerney	Scott	Whitney
Draper	Hemenway	McLaughlin	Shea	Williams
Duell	Hoey	Mead	Smith A E	Wood
Eagleton	Howard	Merritt	Smith C	Yale
Edwards	Jordan	Millen	Smith F L	Young E
Evans	Klein	Miller J L	Spielberg	Young F
Farrar	Lachman	Miller W G	Staley	

Ordered, That the Clerk engross said bill and deliver the same to the Senate and request their concurrence therein.

The bill (No. 2269) entitled "An act to amend chapter two hundred and eighty-eight of the Laws of nineteen hundred and six, entitled 'An act to revise the charter of the city of Hornellsville and to change the name thereof,' generally" (Int. No. 684), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 130

NOES 00

Those who voted in the affirmative were:

Barden	Filley	Lansing	Murphy C F	Stein
Bates	Foley	Lazarus	Murphy F J	Stern
Baumann	Fowler	Lee	Murray	Sullivan
Baumes	Francis	Leffingwell	Neupert	Surpless
Bennett	Frisbie	Levy A J	Nolan	Thompson
Brady	Garbe	Levy J	Odell	Thorn
Brown C F	Geohegan	Lewis	Oliver	Toombs
Brown G W	Gillen	Lowe	O'Neil	Travis
Burhyte	Glore	Lowman	Parker F B	Voss
Callan	Goldberg	Lupton	Parker J S	Waddell
Caughlan	Goodspeed	MacGregor	Partridge	Walters
Cheney	Graubard	Manley	Perkins	Ward
Clarke	Gray	Marks	Phillips C W	Waters
Colné	Green	Marlatt	Phillips J S	Weaver
Conklin	Gunderman	Martin	Reed	Weber
Costello	Hackett	McCue	Robinson	Weimert
Cuvillier	Hammond	McElligott	Rozan	Wende
De Groot	Hamn	McFarlane	Sanner	White E H
Donnelly	Hawley	McGrath	Sargent	White L H
Draper	Hemenway	McInerney	Schmidt	Whitley
Duell	Hoey	McLaughlin	Scott	Whitney
Eagleton	Howard	Mead	Shea	Williams
Edwards	Jordan	Merritt	Smith A E	Wood
Evans	Klein	Millen	Smith C	Yale
Farrar	Lachman	Miller J L	Smith F L	Young E
Fay	Lanahan	Miller W G	Spielberg	Young F L



Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The Senate returned the Assembly bill (No. 992, Senate reprint No. 1085, Int. No. 894), entitled "An act to authorize the justices of the Supreme Court in the second judicial department to appoint a typewriter operator, and to provide for the compensation," with a message that they have concurred in the passage of the same, with the following amendments:

On page 1, after the comma after the word "justices," strike out the rest of the line.

On page 2, line 1, strike out "dollars per annum,".

Mr. Voss moved to concur in the Senate amendments.

Mr. Speaker put the question whether the House would concur in said amendments, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 134

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Lanahan	Murphy C F	Stein
Barden	Filley	Lansing	Murphy F J	Stern
Bates	Foley	Lazarus	Murray	Sullivan
Baumann	Fowler	Lee	Neupert	Surpless
Baumes	Francis	Leffingwell	Nolan	Thompson
Bennett	Frisbie	Levy A J	Odell	Thorn
Boshart	Garbe	Levy J	Oliver	Toombs
Brady	Geoghegan	Lewis	O'Neil	Travis
Brown C F	Gillen	Lowe	Parker F B	Voss
Brown G W	Glore	Lowman	Parker J S	Waddell
Burhyte	Goldberg	Lupton	Partridge	Walters
Callan	Goodspeed	MacGregor	Perkins	Ward
Caughlan	Graubard	Manley	Phillips C W	Waters
Cheney	Gray	Marks	Phillips J S	Weaver
Clarke	Green	Marlatt	Reed	Weber
Colne	Gunderman	Martin	Robinson	Weimert
Conklin	Hackett	McCue	Rozan	Wende
Costello	Haines	McElligott	Sanner	White E H
Cuvillier	Hammond	McFarlane	Sargent	White L H
De Groot	Hamn	McGrath	Schmidt	Whitley
Donnelly	Hawley	McInerney	Scott	Whitney
Draper	Hemenway	McLaughlin	Shea	Williams
Duell	Hoey	Mead	Smith A E	Wood
Eagleton	Howard	Merritt	Smith C	Yale
Edwards	Jordan	Millen	Smith F L	Young E
Evans	Klein	Miller J L	Spielberg	Young F L
Farrar	Lachman	Miller W G	Staley	

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendments of the Senate thereto.

The Senate returned the Assembly bill (No. 905, Senate reprint No. 1175, Int. No. 668) entitled "An act to amend the Village Law, in relation to incorporation of villages," with a message that they have concurred in the passage of the same, with the following amendments:

Page 1, line 7, after the ",", insert "or any part thereof".

Page 2, line 23, after the "(" insert "(or the territory proposed to be incorporated is a part of the town of ————)."

Page 4, line 7, strike out words "less than" and insert the word "not".

Same line, after the ",", after the word "town", insert "or a part thereof".

Mr. Lupton moved to concur in the Senate amendments thereto.

Objection being made to the immediate consideration of said message,

Ordered, That said message be referred to the committee on rules.

The Senate returned the Assembly bill (No. 1300, Senate reprint No. 1224, Int. No. 378) entitled "An act to confer certain rights on the municipalities of Nassau county and upon the city of New York, in respect to the water in said county, forming part of the water supply of the city of New York, and to confer jurisdiction upon the State Water Supply Commission in respect thereto," with a message that they have concurred in the passage of the same, with the following amendments:

Page 1, line 4, strike out the ",", after the word "Nassau" and the balance of the line.

Strike out all of line 5, down to and including the word "plant".

Page 3, line 6, after the word "bureau" insert "which said officer, department or bureau is hereby authorized and empowered to make such agreement".

Mr. W. G. Miller moved to concur in the Senate amendments thereto.

Mr. Speaker put the question whether the House would concur in said amendments, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 134

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Lanahan	Murphy C F	Stein
Barden	Filley	Lansing	Murphy F J	Stern
Bates	Foley	Lazarus	Murray	Sullivan
Baumann	Fowler	Lee	Neupert	Surpless
Baumes	Francis	Leffingwell	Nolan	Thompson
Bennett	Frisbie	Levy A J	Odell	Thorn
Boshart	Garbe	Levy J	Oliver	Toombs
Brady	Geoghegan	Lewis	O'Neil	Travis
Brown C F	Gillen	Lowe	Parker F B	Voss
Brown G W	Glore	Lowman	Parker J S	Waddell
Burhyte	Goldberg	Lupton	Partridge	Walters
Callan	Goodspeed	MacGregor	Perkins	Ward
Caughlan	Graubard	Manley	Phillips C W	Waters
Cheney	Gray	Marks	Phillips J S	Weaver
Clarke	Green	Marlatt	Reed	Weber
Colné	Gunderman	Martin	Robinson	Weimert
Conklin	Hackett	McCue	Rozan	Wende
Costello	Haines	McElligott	Sanner	White E H
Cuvillier	Hammond	McFarlane	Sargent	White L H
De Groot	Hamn	McGrath	Schmidt	Whitley
Donnelly	Hawley	McInerney	Scott	Whitney
Draper	Hemenway	McLaughlin	Shea	Williams
Duell	Hoey	Mead	Smith A E	Wood
Eagleton	Howard	Merritt	Smith C	Yale
Edwards	Jordan	Millen	Smith F L	Young E
Evans	Klein	Miller J L	Spielberg	Young F L
Farrar	Lachman	Miller W G	Staley	

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendments of the Senate thereto.

The Senate returned the Assembly bill (No. 1455, Senate re-print No. 1234, Int. No. 863) entitled "An act to amend the Penal Law, in relation to admitting children to moving picture shows," with a message that they have concurred in the passage of the same, with the following amendments:

On page 2, line 2, after the word "kept" insert ",".

Page 2, line 2, before the last "or" insert "[", and on same page, line 3, after the word "part," insert "]"



Mr. C. F. Murphy moved to concur in the Senate amendments.

Mr. Speaker put the question whether the House would concur in said amendments, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 133

NOES 1

Those who voted in the affirmative were:

Allen	Fay	Lanahan	Murphy C F	Stein
Barden	Filey	Lansing	Murphy F J	Stern
Bates	Foley	Lazarus	Murray	Sullivan
Baumann	Fowler	Lee	Neupert	Surplless
Baumes	Francis	Leffingwell	Nolan	Thompson
Bennett	Frisbie	Levy A J	Odell	Thorn
Boshart	Grabe	Levy J	O'Neil	Toombs
Brady	Geoghegan	Lewis	Parker F B	Travis
Brown C F	Gillen	Lowe	Parker J S	Voss
Brown G W	Glore	Lowman	Partridge	Waddell
Burhyte	Goldberg	Lupton	Perkins	Walters
Callan	Goodspeed	MacGregor	Phillips C W	Ward
Caughlan	Graubard	Manley	Phillips J S	Waters
Cheney	Gray	Marks	Reed	Weaver
Clarke	Green	Marlatt	Robinson	Weber
Colne	Gunderman	Martin	Rozan	Weimert
Conklin	Hackett	McCue	Sanner	Wende
Costello	Haines	McElligott	Sargent	White E H
Cuvillier	Hammond	McFarlane	Schmidt	White L H
De Groot	Hamn	McGrath	Scott	Whitley
Donnelly	Hawley	McInerney	Shea	Whitney
Draper	Hemenway	McLaughlin	Smith A E	Williams
Duell	Hoey	Mead	Smith C	Wood
Eagleton	Howard	Merritt	Smith F L	Yale
Edwards	Jordan	Millen	Spielberg	Young E
Evans	Klein	Miller J L	Staley	Young F L
Farrar	Lachman	Miller W G		

In the negative:

Oliver

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendments of the Senate thereto.

A message was received from the Senate, in words following:

IN SENATE, *April 21, 1909.*

Pursuant to concurrent resolution of the Senate and Assembly, the Governor returned the Senate bill (No. 544, Assembly reprint No. 1571, Senate reprint No. 544, Rec. No. 64), entitled

"An act to amend the Code of Criminal Procedure, in relation to the admission to bail of a defendant."

The vote upon the final passage of the said bill having been reconsidered, on motion of Mr. Brough, and by unanimous consent, the same was amended as follows:

Strike out the amendments made by the Assembly, thereby restoring said bill to its original form (Senate printed No. 544).

Said bill, as amended, was reprinted, re-engrossed, and, having been on the desks of the members three legislative days, was passed and ordered sent to the Assembly for concurrence.

By order of the Senate,

LAFAYETTE B. GLEASON,

*Clerk.*

Said bill having been announced, Mr. Robinson moved to reconsider the vote by which said bill was passed.

Mr. Speaker put the question whether the House would agree to the reconsideration of the vote on the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 134

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Lanahan	Murphy C F	Stein
Barden	Filley	Lansing	Murphy F J	Stern
Bates	Foley	Lazarus	Murray	Sullivan
Baumann	Fowler	Lee	Neupert	Surpless
Baumes	Francis	Leffingwell	Nolan	Thompson
Bennett	Frisbie	Levy A J	Odell	Thorn
Boshart	Garbe	Levy J	Oliver	Toombs
Brady	Geoghegan	Lewis	O'Neil	Travis
Brown C F	Gillen	Lowe	Parker F B	Voss
Brown G W	Glore	Lowman	Parker J S	Waddell
Burhyte	Goldberg	Lupton	Partridge	Walters
Callan	Goodspeed	MacGregor	Perkins	Ward
Caughlan	Graubard	Manley	Phillips C W	Waters
Cheney	Gray	Marks	Phillips J S	Weaver
Clarke	Green	Marlatt	Reed	Weber
Colné	Gunderman	Martin	Robinson	Weimert
Conklin	Hackett	McCue	Rozan	Wende
Costello	Haines	McElligott	Sanner	White E H
Cuvillier	Hammond	McFarlane	Sargent	White L H
De Groot	Hamm	McGrath	Schmidt	Whitley
Donnelly	Hawley	McInerney	Scott	Whitney
Draper	Hemenway	McLaughlin	Shea	Williams
Duell	Hoey	Mead	Smith A E	Wood
Eagleton	Howard	Merritt	Smith C	Yale
Edwards	Jordan	Millen	Smith F L	Young E
Evans	Klein	Miller J L	Spielberg	Young F L
Farrar	Lachman	Miller W G	Staley	

Said bill, as amended, was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 134

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Lanahan	Murphy C F	Stein
Barden	Filley	Lansing	Murphy F J	Stern
Bates	Foley	Lazarus	Murray	Sullivar
Baumann	Fowler	Lee	Neupert	Surpless
Baumes	Francis	Leffingwell	Nolan	Thompson
Bennett	Frisbie	Levy A J	Odell	Thorn
Boshart	Garbe	Levy J	Oliver	Toombs
Brady	Geoghegan	Lewis	O'Neil	Travis
Brown C F	Gillen	Lowe	Parker F B	Voss
Brown G W	Glore	Lowman	Parker J S	Waddell
Burhyte	Goldberg	Lupton	Partridge	Walters
Callan	Goodspeed	MacGregor	Perkins	Ward
Caughlan	Graubard	Manley	Phillips C W	Waters
Cheney	Gray	Marks	Phillips J S	Weaver
Clarke	Green	Marlatt	Reed	Weber
Colne	Gunderman	Martin	Robinson	Weimert
Conklin	Hackett	McCue	Rozan	Wende
Costello	Haines	McElligott	Sanner	White E H
Cuvillier	Hammond	McFarlane	Sargent	White L H
De Groot	Hamn	McGrath	Schmidt	Whitley
Donnelly	Hawley	McInerney	Scott	Whitney
Draper	Hemenway	McLaughlin	Shea	Williams
Duell	Hoey	Mead	Smith A E	Wood
Eagleton	Howard	Merritt	Smith C	Yale
Edwards	Jordan	Millen	Smith F L	Young E
Evans	Klein	Miller J L	Spielberg	Young F L
Farrar	Lachman	Miller W G	Staley	

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have reconsidered their vote on the final passage of said bill, and, as amended, have again passed the same.

The Senate returned the bill (No. 1960, Int. No. 1314) entitled "An act to amend the Insurance Law, to permit mutual fire insurance companies or associations of other States to do business within this State; to regulate the business done by them; and tax the same."

Also, the bill (No. 1663, Int. No. 1080) entitled "An act to



amend the Agricultural Law, in relation to the destruction of diseased animals."

Also, the bill (No. 1665, Int. No. 756) entitled "An act to amend the Military Law, in relation to enlisted men of the National Guard and Naval Militia."

Also, the bill (No. 1978, Int. No. 1548) entitled "An act to amend chapter one hundred and forty-seven of the Laws of nineteen hundred and three, entitled 'An act making provision for issuing bonds to the amount of not to exceed one hundred and one million dollars for the improvement of the Erie canal, the Oswego canal and the Champlain canal, and providing for a submission of the same to the people to be voted upon at the general election to be held in the year nineteen hundred and three,' relative to securities to be furnished by contractors for the faithful and complete performance of contracts."

Also, the bill (No. 1001, Int. No. 1168)\* entitled "An act to amend the Military Law, in regard to compensation of employees of armories."

Also, the bill (No. 1656, Int. No. 1342) entitled "An act to amend the Liquor Tax Law, in relation to definitions; duties, powers, salaries and expenses of special agents; attorneys; excise taxes upon the business of trafficking in liquors; enumeration; books and blanks to be furnished by the State Commissioner of Excise; statements to be made upon application for liquor tax certificate; corporations, associations, copartnerships or persons who or which shall not traffic in liquors, revocation and cancellation of a liquor tax certificate; injunction for unlawfully trafficking in liquors or without liquor tax certificate; list of lodgers to be furnished by hotel, lodging and boarding-house keepers; search for seizures and forfeiture of liquors kept for unlawful traffic; and persons liable for violation of this chapter."

Also, the bill (No. 2062, Int. No. 1452) entitled "An act to amend the State Board and Commissions Law, in relation to the powers of the State Water Supply Commission."

Also, the bill (No. 1491, Int. No. 862) entitled "An act to amend the Public Officers Law, in relation to payment of premiums on bonds given by public officers."

Also, the bill (No. 1500, Int. No. 221) entitled "An act to

amend the Public Health Law, relating to the practice of veterinary medicine."

Also, the bill (No. 1664, Int. No. 1123) entitled "An act to amend the Military Law, in relation to devises and bequests."

Also, the bill (No. 1470, Int. No. 1270) entitled "An act to amend the Forest, Fish and Game Law, in relation to the open season for squirrels in Steuben county."

Also, the bill (No. 1120, Int. No. 489) entitled "An act to amend the Forest, Fish and Game Law, in relation to the open season for quail in Rockland county."

Also, the bill (No. 1060, Int. No. 953) entitled "An act to amend the Labor Law, in relation to the employment of children in mercantile establishments."

Also, the bill (No. 909, Int. No. 823) entitled "An act to repeal certain sections of the Public Health Law, relating to adulterations."

Also, the bill (No. 1388, Int. No. 1200) entitled "An act to amend the Judiciary Law, in relation to the salary of confidential clerks to justices of the Supreme Court in the ninth judicial district."

Also, the bill (No. 1485, Int. No. 978) entitled "An act to amend the Judiciary Law, relating to court criers in the ninth judicial district," with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk deliver said bills to the Governor.

Also, the bill (No. 543, Int. No. 279) entitled "Concurrent resolution of the Senate and Assembly proposing an amendment to section seven of article one of the Constitution, in relation to the drainage of lands," with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk deliver said resolution to the Secretary of State.

The Senate returned the Senate bill (No. 992, Senate reprint No. 1085, Int. No. 894) entitled "An act to authorize the justices of the Supreme Court in the second judicial department to appoint a typewriter operator, and to provide for the compensation."

Said bill having been announced, Mr. Voss moved to reconsider the vote by which said bill was passed.

Mr. Speaker put the question whether the House would agree to the reconsideration of the vote on the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 135

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Lanahan	Murphy C F	Staley
Barden	Filley	Lansing	Murphy F J	Stein
Bates	Foley	Lazarus	Murray	Stern
Baumann	Fowler	Lee	Neupert	Sullivan
Baumes	Francis	Leffingwell	Nolan	Surpless
Bennett	Frisbie	Levy A J	Odell	Thompson
Boshart	Garbe	Levy J	Oliver	Thorn
Brady	Geoghegan	Lewis	O'Neil	Toombs
Brown C F	Gillen	Lowe	Parker F B	Travis
Brown G W	Glore	Lowman	Parker J S	Voss
Burhyte	Goldberg	Lupton	Partridge	Waddell
Callan	Goodspeed	MacGregor	Perkins	Walters
Caughlan	Graubard	Manley	Phillips C W	Ward
Cheney	Gray	Marks	Phillips J S	Waters
Clarke	Green	Marlatt	Reed	Weaver
Colne	Gunderman	Martin	Robinson	Weber
Conklin	Hackett	McCue	Rozan	Weimert
Costello	Haines	McElligott	Sanner	Wende
Cuvillier	Hammond	McFarlane	Sargent	White E H
De Groot	Hamm	McGrath	Schmidt	White L H
Donnelly	Hawley	McInerney	Scott	Whitley
Draper	Hemenway	McLaughlin	Shea	Whitney
Duell	Hoey	Mead	Smith A E	Williams
Eagleton	Howard	Merritt	Smith C	Wood
Edwards	Jordan	Millen	Smith F L	Yale
Evans	Klein	Miller J L	Smith M	Young E
Farrar	Lachman	Miller W G	Spielberg	Young F L

Mr. Voss moved that said bill be recommitted to the committee on rules, with instructions to report the same forthwith, amended as follows:

Amend the title thereof by striking out the present title and substituting the following therefor: "An act to amend the Judiciary Law, in relation to the appointment of a typewriter operator by the justices of the Supreme Court in the second judicial department."

Strike out section 1 of the bill and substitute the following therefor:

"Section 1. Section one hundred and sixty-one of chapter thirty-five of the Laws of nineteen hundred and nine, entitled 'An act in relation to the administration of justice, constituting



chapter thirty of the Consolidated Laws,' is hereby amended by inserting after subdivision three thereof a new subdivision to be subdivision 3-a and to read as follows:

"3-a. The justices of the Supreme Court residing in the county of Kings, or a majority of them, may appoint, and at pleasure remove, a typewriter operator for the purpose of copying their minutes, and doing any other confidential work which may be required by said justices or the clerk of the court. The salary or compensation to be paid to such typewriter operator shall be fixed by said justices, and the expense thereof shall be raised with the annual tax levy as a county charge."

Strike out section 2 of the bill.

Amend section 3 thereof by substituting the figure "2" instead of the figure "3".

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Speaker, from the committee on rules, reported said bill amended as directed, and the same was ordered reprinted and placed on the order of third reading.

On motion of Mr. Merritt, the House adjourned.

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## THURSDAY, APRIL 22, 1909.

The House met pursuant to adjournment.

Prayer by Rev. J. S. Kittel.

On motion of Mr. Merritt, the reading of the journal of yesterday was dispensed with and the same was approved.

Mr. Speaker presented the Supplementary Report of the New York Charter Commission in the matter of an Administrative Code, which was laid upon the table and ordered printed.

(See Senate Document No. 27.)

Mr. Hamn gives notice that he requests that Assembly bill (No. 2174, Int. No. 1631), entitled "An act to amend the Insurance Law, generally," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the commit-

tee on rules for the purpose of making the said bill a special order on third reading.

Mr. Voss gives notice that he requests that Assembly bill (No. 2058, Int. No. 1017), entitled "An act to amend the Labor Law, relative to the employment of minors in dangerous employment and forbidding such employment," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on third reading.

Mr. Whitney gives notice that he requests that Assembly bill (No. 2210, Int. No. 1488), entitled "An act to amend the Highway Law, in relation to the establishment and maintenance of county hospitals for the care of persons suffering from the disease known as tuberculosis," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on third reading.

Mr. Burhyte gives notice that he requests that Assembly bill (No. 2273, Int. No. 1701), entitled "An act to amend the Highway Law, in relation to the preliminary resolution of the board of supervisors and what highways or sections thereof may be included therein," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Conklin gives notice that he requests that Assembly bill (No. 209, Int. No. 209), entitled "An act to amend the Greater New York charter, relative to the number of police clerks' assistants that may be appointed in the city magistrates' courts of the first division of the city of New York," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Edwards gives notice that he requests that Assembly bill (No. 757, Int. No. 706), entitled "An act to authorize the construction of a new iron bridge with double driveways and sidewalks over the Erie canal at South Washington street, in the city of Rome," a copy of which is hereto annexed, be made a special

order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Gray gives notice that he requests that Assembly bill (No. 1672, Int. No. 1276), entitled "An act to amend the Agricultural Law, entitled 'An act in relation to agriculture, constituting chapter one of the Consolidated Laws,' in relation to samples of milk that have been tested at butter and cheese factories and to licenses to be issued by the Commissioner of Agriculture," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Lowe gives notice that he requests that Assembly bill (No. 2092, Int. No. 1594), entitled "An act to amend the Agricultural Law, entitled 'An act in relation to agriculture, constituting chapter one of the Consolidated Laws,' in relation to dogs and domestic animals killed or damaged by dogs," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. C. F. Murphy gives notice that he requests that Assembly bill (No. 2219, Int. No. 1668), entitled "An act to amend the General Business Law, in relation to the keeping of books by auctioneers and inspection thereof," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. C. F. Murphy gives notice that he requests that Assembly bill (No. 2220, Int. No. 1669), entitled "An act to amend the Penal Law, in relation to the keeping of books by auctioneers and the inspection thereof," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Millen gives notice that he requests that Assembly bill (No. 2277, Int. No. 1705), entitled "An act to authorize certain towns in the counties of Delaware, Sullivan and Broome to issue certificates of indebtedness and, when authorized by board of super-



visors in any such county to refund the same by the issuance and sale of town bonds," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Millen gives notice that he requests that Assembly bill (No. 2278, Int. No. 1706), entitled "An act to authorize trustees and boards of education in certain school districts in the counties of Broome, Delaware and Sullivan to issue certificates of indebtedness," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. J. S. Parker gives notice that he requests that Assembly bill (No. 703, Int. No. 658), entitled "An act to amend the Railroad Law, in relation to consolidation of corporations owning continuous lines," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Perkins gives notice that he requests that Assembly bill (No. 2280, Int. No. 1708), entitled "An act to amend the Education Law, in relation to teachers' training classes and training schools," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. F. L. Smith gives notice that he requests that Assembly bill (No. 1973, Int. No. 1542), entitled "An act to provide for an additional justice of the Supreme Court in and for the fifth judicial district," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Thorn gives notice that he requests that Assembly bill (No. 2230, Int. No. 1679), entitled "An act to amend chapter forty-seven of the Laws of nineteen hundred and nine, entitled "An act relating to prisons, constituting chapter forty-three of

the Consolidated Laws relative to making the definite terms of a certain class of prisoners indeterminate terms," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Weber gives notice that he requests that Assembly bill (No. 1778, Int. No. 1429), entitled "An act to amend section eighty-eight of article two of chapter twenty-eight of the Consolidated Laws, as to the surrender value of certain life insurance policies," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Scott gives notice that he requests that Senate bill introduced by Mr. Allds (No. 1017, Rec. No. 194), entitled "An act making appropriations for the State charitable institutions, the New York State School for the Blind, the Elmira Reformatory, and the Eastern New York Reformatory at Napanoch," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Colne gives notice that he requests that the Senate bill introduced by Mr. Allen (No. 1182, Rec. No. 238), entitled "An act to amend section four of chapter one hundred and **forty-seven** of the Laws of nineteen hundred and three, entitled 'An act making provision for issuing bonds to the amount of not to exceed one hundred and one million dollars for the improvement of the Erie canal, the Oswego canal and the Champlain canal, and providing for a submission of the same to the people to be voted upon at the general election to be held in the year nineteen hundred and three,' as amended by chapter three hundred and sixty-five of the Laws of nineteen hundred and six and chapter one hundred and ninety-six of the Laws of nineteen hundred and eight, relative to the full control by the State of the waters impounded, created and to be discharged as a result of the construction of any dam, mole, reservoir or other structure as part of the improved canal system," a copy of which is hereto annexed, be

made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Merritt gives notice that he requests that the Senate bill introduced by Mr. Allds (No. 1018, Rec. No. 192), entitled "An act to provide for the management of the Eastern New York State Custodial Asylum, to be known hereafter as the 'Letchworth Village,' and for the admission and control of inmates therein," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Farrar gives notice that he requests that the Senate bill introduced by Mr. Burlingame (No. 995, Rec. No. 169), entitled "An act to amend chapter five hundred and eighty of the Laws of nineteen hundred and two, entitled 'An act in relation to the Municipal Court of the city of New York, its officers and marshals,'" a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Staley gives notice that he requests that the Senate bill introduced by Mr. Gardner (No. 1289, Rec. No. 245), entitled "An act to legalize the bonds of the village of Canajoharie, New York, issued and to be issued for the following purposes, namely: Defraying the expense of establishing a system of water works in and for said village and supplying its inhabitants with water, defraying the expense of paving and curbing Church street in said village and providing said street with a storm sewer, defraying the expense of constructing a fifteen-duct conduit in said village for the purpose of providing underground accommodations for public service wires and cables, and to legalize all proceedings of the board of trustees of said village in relation and subsequent thereto, and to provide for the principal and interest of said bonds, and to legalize all proceedings of the board of trustees in relation thereto, including the several resolutions submitted to the qualified electors of said village at special elections held on the thirtieth day of June, nineteen hundred and eight, on the twenty-eighth day of



August, nineteen hundred and eight, on the tenth day of October, nineteen hundred and eight, and on the thirtieth day of January, nineteen hundred and nine, and legalizing the vote on each and all of said propositions submitted at the said special elections as aforesaid," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Nolan gives notice that he requests that the Senate bill introduced by Mr. Grattan (No. 987, Rec. No. 235), entitled "An act to amend the Insurance Law, in relation to the admission of minors as members of fraternal beneficiary societies, orders or associations," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Weimert gives notice that he requests that the Senate bill introduced by Mr. Hill (No. 1100, Rec. No. 213), entitled "An act to amend the Religious Corporations Law, in relation to property of extinct churches," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Frisbie gives notice that he requests that the Senate bill introduced by Mr. McCarren (No. 667, Rec. No. 300), entitled "An act to amend the Code of Civil Procedure relating to the application for ancillary letters," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Frisbie gives notice that he requests that the Senate bill introduced by Mr. McCarren (No. 1056, Rec. No. 132), entitled "An act to amend section fifty-seven of the Stock Corporations Law, entitled 'An act in relation to stock corporations,' as amended by chapter seven hundred and sixty of the Laws of nineteen hundred, entitled 'An act to amend section fifty-seven of the Stock Corporations Law, in relation to the voluntary dissolution of corporations,' relative to notice or dissolution to stockholders,"

a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Conklin gives notice that he requests that the Senate bill introduced by Mr. Newcomb (No. 800, Rec. No. 187), entitled "An act to amend the Greater New York charter, relative to the powers of the commissioners of the sinking fund of the city of New York, in their discretion, to cancel and annul taxes, assessments, Croton water rents, et cetera, in certain cases," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Marks gives notice that he requests that the Senate bill introduced by Mr. Newcomb (No. 1080, Rec. No. 215), entitled "An act to amend the Code of Civil Procedure, relative to pleadings in civil actions," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Robinson gives notice that he requests that the Senate bill introduced by Mr. Stilwell (No. 640, Rec. No. 259), entitled "An act to amend 'An act in relation to legislation, constituting chapter thirty-two of the Consolidated Laws,' in regard to the publication of laws passed by the Legislature, in four newspapers in the county of New York," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Hamn gives notice that he requests that the Senate bill introduced by Mr. Grattan (No. 806, Rec. No. 709), entitled "An act to permit life insurance companies to issue policies of insurance and annuities with special rates of premiums to labor unions and other organizations," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Edwards gives notice that he requests that the Assembly

bill (No. 2266, Int. No. 1699), entitled "An act to amend the County Law, in relation to the office of county comptroller," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

The Senate sent for concurrence the following entitled bills:

"An act to amend chapter three hundred and two of the Laws of nineteen hundred and six, entitled 'An act providing for the issue of bonds of the State to run for a period of fifty years in lieu of bonds heretofore authorized by chapter one hundred and forty-seven of the Laws of nineteen hundred and three, but not issued,' relative to the annual tax to be imposed for the payment of the principal and interest of such bonds" (No. 1346, Rec. No. 266), which was read the first time.

On motion of Mr. Merritt, and by unanimous consent, said bill was read the second time and ordered to a third reading.

On motion of Mr. Merritt, and by unanimous consent, said bill was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 131

NOES 00

Those who voted in the affirmative were:

Allen	Fillee	Lansing	Murphy C F	Staley
Barden	Foley	Lazarus	Murphy F J	Stein
Bates	Fowler	Lee	Murray	Stern
Baumes	Francis	Leffingwell	Neupert	Sullivan
Bennett	Frisbie	Levy A J	Nolan	Surpless
Boshart	Garbe	Levy J	Odell	Thompson
Brady	Geoghegan	Lewis	Oliver	Thorn
Brown C F	Gillen	Lowe	O'Neil	Toombs
Brown G W	Glore	Lowman	Parker F B	Travis
Burhyte	Goldberg	Lupton	Parker J S	Voss
Callan	Goodspeed	MacGregor	Partridge	Waddell
Caughlan	Graubard	Manley	Perkins	Walters
Cheney	Gary	Marks	Phillips C W	Ward
Clarke	Green	Marlatt	Phillips J S	Waters
Colne	Gunderman	Martin	Reed	Weaver



Conklin	Hackett	McCue	Robinson	Weber
Costello	Haines	McElligott	Rozan	Wende
Cuvillier	Hammond	McFarlane	Sanner	White E H
De Groot	Hamn	McGrath	Sargent	White I H
Donnelly	Hawley	McInerney	Schmidt	Whitley
Draper	Hemenway	McLaughlin	Scott	Whitney
Duell	Hoe	Mead	Shea	Williams
Eagleton	Howard	Merritt	Smith A E	Wood
Edwards	Klein	Millen	Smith C	Yale
Evans	Lachman	Miller J L	Smith F L	Young E
Farrar	Lanahan	Miller W G	Spielberg	Young F L
Fay				

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

"An act making an appropriation for the purchase of lands under the provisions of chapter seventy-seven, Laws of nineteen hundred and nine" (No. 1099, Rec. No. 267), which was read the first time and referred to the committee on ways and means.

"An act to amend the Agricultural Law, in relation to skim-milk and skim-cheese" (No. 1362, Rec. No. 268), which was read the first time and referred to the committee on agriculture.

"An act to amend the Penal Code, in relation to the selling, loaning, leasing, or giving away of revolvers or pistols" (No. 1035, Rec. No. 269), which was read the first time and referred to the committee on codes.

"An act to amend the Public Health Law, in relation to the application of certain provisions to the village of Saranac Lake" (No. 1046, Rec. No. 270), which was read the first time.

On motion of Mr. Shea, and by unanimous consent, said bill was read the second time and ordered to a third reading.

On motion of Mr. Shea, and by unanimous consent, said bill was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 131

NOES 00

Those who voted in the affirmative were:

Allen	Filley	Lansing	Murphy C F	Staley
Barden	Foley	Lazarus	Murphy F J	Stein
Bates	Fowler	Lee	Murray	Stern
Baumes	Francis	Leffingwell	Neupert	Sullivan
Bennett	Frisbie	Levy A J	Nolan	Surpless
Boshart	Garbe	Levy J	Odell	Thompson
Brady	Geoghegan	Lewis	Oliver	Thorn
Brown C F	Gillen	Lowe	O'Neil	Toombs
Brown G W	Glore	Lowman	Parker F B	Travis
Burhyte	Goldberg	Lupton	Parker J S	Voss
Callan	Goodspeed	MacGregor	Partridge	Waddell
Caughlan	Graubard	Manley	Perkins	Walters
Cheney	Gray	Marks	Phillips C W	Ward
Clarke	Green	Marlatt	Phillips J S	Waters
Colné	Gunderman	Martin	Reed	Weaver
Conklin	Hackett	McCue	Robinson	Weber
Costello	Haines	McElligott	Rozan	Wende
Cuvillier	Hammond	McFarlane	Sanner	White E H
De Groot	Hamn	McGrath	Sargent	White L H
Donnelly	Hawley	McInerney	Schmidt	Whitley
Draper	Hemenway	McLaughlin	Scott	Whitney
Duell	Hoey	Mead	Shea	Williams
Eagleton	Howard	Merritt	Smith A E	Wood
Edwards	Klein	Millen	Smith C	Yale
Evans	Lachman	Miller J L	Smith F L	Young E
Farrar	Lanahan	Miller W G	Spiegelberg	Young E L
Fay				

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

"An act to amend chapter twenty-nine of the Laws of nineteen hundred and eight, entitled 'An act to incorporate the city of Glens Falls,' generally" (No. 1321, Rec. No. 271), which was read the first time and referred to the committee on affairs of cities.

"An act to amend the Greater New York charter, in relation to the powers and duties of the commissioner of correction and the sheriff of Kings county in respect to the transportation of prisoners" (No. 1189, Rec. No. 272), which was read the first time.

On motion of Mr. De Groot, and by unanimous consent, said bill was read the second time and ordered to a third reading.

On motion of Mr. De Groot, and by unanimous consent, said bill was read the third time, having been printed and upon the

desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 131

NOES 00

Those who voted in the affirmative were:

Allen	Filley	Lansing	Murphy C F	Staley
Barden	Foley	Lazarus	Murphy F J	Stein
Bates	Fowler	Lee	Murray	Stern
Baumes	Francis	Leffingwell	Neupert	Sullivan
Bohan	Frisbie	Levy A J	Nolan	Surpless
Boshart	Garbe	Levy J	Odell	Thompson
Brady	Geoghegan	Lewis	Oliver	Thorn
Brown C F	Gillen	Lowe	O'Neil	Toombs
Brown G W	Glore	Lowman	Parker F B	Travis
Burhyte	Goldberg	Lupton	Parker J S	Voss
Callan	Goodspeed	MacGregor	Partridge	Waddell
Caughlan	Graubard	Manley	Perkins	Walters
Cheney	Gray	Marks	Phillips C W	Ward
Clarke	Green	Marlatt	Phillips J S	Waters
Colné	Gunderman	Martin	Reed	Weaver
Conklin	Hackett	McCue	Robinson	Weber
Costello	Haines	McElligott	Rozan	Wende
Cuvillier	Hammond	McFarlane	Sanner	White E H
De Groot	Hamn	McGrath	Sargent	White L H
Donnelly	Hawley	McInerney	Schmidt	Whitley
Draper	Hemenway	McLaughlin	Scott	Whitney
Duell	Hoy	Mead	Shea	Williams
Eagleton	Howard	Merritt	Smith A E	Wood
Edwards	Klein	Millen	Smith C	Yale
Evans	Lachman	Miller J L	Smith F L	Young E
Farrar	Lanahan	Miller W G	Spielberg	Young F L
Fay				

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

"An act to amend the General Insurance Law, being chapter twenty-eight of the Consolidated Laws, relative to securities guaranty corporations" (No. 1148, Rec. No. 273), which was read the first time and referred to the committee on insurance.

"An act to amend the Second Class Cities Law, in relation to creating a building department" (No. 1397, Rec. No. 274), which was read the first time and referred to the committee on affairs of cities.



"An act to amend the Forest, Fish and Game Law, generally" (No. 1399, Rec. No. 275), which was read the first time and referred to the committee on fisheries and game.

By unanimous consent, the following bills were introduced:

Mr. Hamn introduced a bill entitled "An act to amend the Forest, Fish and Game Law, in relation to close season for certain fowl and game birds" (Int. No. 1749), which was read the first time and referred to the committee on fisheries and game.

Mr. Thompson introduced a bill entitled "An act to amend chapter three hundred and forty-eight of the Laws of nineteen hundred and one, entitled 'An act to provide for sewer systems outside incorporated villages or cities,' and the acts amendatory thereof, relative to extension of districts and cost of construction and maintenance of systems" (Int. No. 1750), which was read the first time and referred to the committee on affairs of villages.

Mr. Colné introduced a bill entitled "An act to amend chapter one hundred and forty-seven of the Laws of nineteen hundred and three, entitled 'An act making provision for issuing bonds to the amount of not to exceed one hundred and one million dollars for the improvement of the Erie canal, the Oswego canal and the Champlain canal, and providing for a submission of the same to the people to be voted upon at the general election to be held in the year nineteen hundred and three,' by adding thereto a new section to be known as section seventeen thereof to provide for the sale of materials encountered in excavation and not necessary for the improvement work" (Int. No. 1751), which was read the first time and referred to the committee on ways and means.

Mr. Duell introduced a bill entitled "An act to confer certain rights upon the city of Mount Vernon and upon the city of New York, with respect to supplying water to the said city of Mount Vernon and the inhabitants thereof from the water supply of the city of New York, and to confer jurisdiction upon the State Water Supply Commission in respect thereto" (Int. No. 1752), which was read the first time and referred to the committee on affairs of cities.

Mr. Foley introduced a bill entitled "An act to create a commission to inquire into the expediency of uniting Manhattan island and Governor's island by filling in the waters separating them"

(Int. No. 1753), which was read the first time and referred to the committee on ways and means.

Mr. Oliver introduced a bill entitled "An act to amend the General Municipal Law, in relation to the recovery of moneys paid for taxes and assessments in certain cases" (Int. No. 1754), which was read the first time and referred to the committee on affairs of cities.

Mr. Speaker, from the committee on rules, to which was referred Assembly bill introduced by Mr. Hamn (No. 2174, Int. No. 1631), entitled "An act to amend the Insurance Law, generally."

Also, Assembly bill introduced by Mr. Voss (No. 2058, Int. No. 1017), entitled "An act to amend the Labor Law, relative to the employment of minors in dangerous employment and forbidding such employment."

Also, Assembly bill introduced by Mr. Whitney (No. 2210, Int. No. 1488), entitled "An act to amend the County Law, in relation to the establishment and maintenance of county hospitals for the care of persons suffering from the disease known as tuberculosis," reported in favor of the passage of the same without amendment, and that the same be made special orders on third reading immediately, which report was agreed to and said bills ordered made special orders on third reading immediately.

Mr. Speaker, from the committee on rules, to which was referred Assembly bill introduced by Mr. Burhyte (No. 2273, Int. No. 701), entitled "An act to amend the Highway Law, in relation to the preliminary resolution of the board of supervisors and what highways or sections thereof may be included therein."

Also, Assembly bill introduced by Mr. Conklin (No. 209, Int. No. 209), entitled "An act to amend the Greater New York charter, relative to the number of police clerks' assistants that may be appointed to the city magistrates' courts of the first division of the city of New York."

Also, Assembly bill introduced by Mr. Edwards (No. 757, Int. No. 706), entitled "An act to authorize the construction of a new iron bridge with double driveways and sidewalks over the Erie canal at South Washington street, in the city of Rome."

Also, Assembly bill introduced by Mr. Gray (No. 1672, Int. No. 1276), entitled "An act to amend the Agricultural Law, en-

titled 'An act in relation to agriculture, constituting chapter one of the Consolidated Laws,' in relation to samples of milk that have been tested at butter and cheese factories and to licenses to be issued by the Commissioner of Agriculture."

Also, Assembly bill introduced by Mr. Lowe (No. 2092, Int. No. 1594), entitled "An act to amend the Agricultural Law, entitled 'An act in relation to agriculture, constituting chapter one of the Consolidated Laws,' in relation to dogs and domestic animals killed or damaged by dogs."

Also, Assembly bill introduced by Mr. C. F. Murphy (No. 2219, Int. No. 1668), entitled 'An act to amend the General Business Law, in relation to the keeping of books by auctioneers, and inspection thereof.'

Also, Assembly bill introduced by Mr. C. F. Murphy (No. 2220, Int. No. 1669), entitled "An act to amend the Penal Law, in relation to the keeping of books by auctioneers, and the inspection thereof."

Also, Assembly bill introduced by Mr. Millen (No. 2277, Int. No. 1750), entitled "An act to authorize certain towns in the counties of Delaware, Sullivan and Broome to issue certificates of indebtedness and, when authorized by the board of supervisors in any such county, to refund the same by the issuance and sale of town bonds."

Also, Assembly bill introduced by Mr. Millen (No. 2278, Int. No. 1706), entitled "An act to authorize trustees and boards of education in certain school districts in the counties of Broome, Delaware and Sullivan to issue certificates of indebtedness."

Also, Assembly bill introduced by Mr. J. S. Parker (No. 703, Int. No. 658), entitled "An act to amend the Railroad Law, in relation to consolidation of corporations owning continuous lines."

Also, Assembly bill introduced by Mr. Perkins (No. 2280, Int. No. 1708), entitled "An act to amend the Education Law, in relation to teachers' training classes and training schools."

Also, Assembly bill introduced by Mr. F. L. Smith (No. 1973, Int. No. 1542), entitled "An act to provide for an additional justice of the Supreme Court in and for the fifth judicial district."

Also, Assembly bill introduced by Mr. Thorn (No. 2230, Int. No. 1679), entitled "An act to amend chapter forty-seven of the



Laws of nineteen hundred and nine, entitled 'An act relating to prisons, constituting chapter forty-three of the Consolidated Laws,' relative to making the definite terms of a certain class of prisoners indeterminate terms."

Also, Assembly bill introduced by Mr. Weber (No. 1778, Int. No. 1429), entitled "An act to amend section eighty-eight of article two of chapter twenty-eight of the Consolidated Laws, as to the surrender value of certain life insurance policies."

Also, Senate bill introduced by Mr. Allen (No. 1182, Rec. No. 238), entitled "An act to amend section four of chapter one hundred and forty-seven of the Laws of nineteen hundred and three, entitled 'An act making provision for issuing bonds to the amount of not to exceed one hundred and one million dollars for the improvement of the Erie canal, the Oswego canal and the Champlain canal, and providing for a submission of the same to the people to be voted upon at the general election to be held in the year nineteen hundred and three,' as amended by chapter three hundred and sixty-five of the Laws of nineteen hundred and six, and chapter one hundred and ninety-six of the Laws of nineteen hundred and eight, relative to the full control by the State of the waters impounded, created and to be discharged as a result of the construction of any dam, mole, reservoir or other structure as part of the improved canal system."

Also, Senate bill introduced by Mr. Allds (No. 1017, Rec. No. 194), entitled "An act making appropriations for the charitable institutions, the New York State School for the Blind, the Elmira Reformatory, and the Eastern New York Reformatory at Napanoch."

Also, Assembly bill introduced by Mr. Allds (No. 1018, Rec. No. 192), entitled "An act to provide for the management of the Eastern New York State Custodial Asylum, to be known hereafter as the 'Letchworth Village,' and for the admission and control of inmates therein."

Also, Senate bill introduced by Mr. Burlingame (No. 995, Rec. No. 168), entitled "An act to amend chapter five hundred and eighty of the Laws of nineteen hundred and two, entitled 'An act in relation to the Municipal Court of the city of New York, its officers and marshals.'"

Also, Senate bill introduced by Mr. Gardner (No. 1289, Rec. No. 245), entitled "An act to legalize the bonds of the village of Canajoharie, New York, issued and to be issued for the following purposes, namely: Defraying the expenses of establishing a system of water works in and for said village and supplying its inhabitants with water, defraying the expense of paving and curbing Church street in said village and providing said street with a storm sewer, defraying the expense of constructing a fifteen-duct conduit in said village for the purpose of providing underground accommodations for public service wires and cables, and to legalize all proceedings of the board of trustees of said village in relation and subsequent thereto, and to provide for the principal and interest of said bonds, and to legalize all proceedings of the board of trustees in relation thereto, including the several resolutions submitted to the qualified electors of said village at special elections held on the thirtieth day of June, nineteen hundred and eight; on the twenty-eighth day of August, nineteen hundred and eight; on the tenth day of October, nineteen hundred and eight, and on the thirtieth day of January, nineteen hundred and nine, and legalizing the vote on each and all of said propositions submitted at the said special elections as aforesaid."

Also, Assembly bill introduced by Mr. Grattan (No. 987, Rec. No. 234), entitled "An act to amend the Insurance Law, in relation to the admission of minors as members of fraternal beneficiary societies, orders or associations."

Also, Assembly bill introduced by Mr. Hill (No. 1100, Rec. No. 213), entitled "An act to amend the Religious Corporations Law, in relation to property of extinct churches."

Also, Assembly bill introduced by Mr. McCarren (No. 667, Rec. No. 87), entitled "An act to amend the Code of Civil Procedure, relating to the application for ancillary letters."

Also, Senate bill introduced by Mr. McCarren (No. 1056, Rec. No. 199), entitled "An act to amend section fifty-seven of the Stock Corporations Law, entitled 'An act in relation to stock corporations,' as amended by chapter seven hundred and sixty of the Laws of nineteen hundred, entitled 'An act to amend section fifty-seven of the Stock Corporations Law, in relation to the voluntary dissolution of corporations,' relative to notice of dissolution to stockholders."

Also, Senate bill introduced by Mr. Newcomb (No. 300, Rec. No. 187), entitled "An act to amend the Greater New York charter, relative to the powers of the commissioners of the sinking fund of the city of New York, in their discretion, to cancel and annul taxes, assessments, Croton water rents, et cetera, in certain cases."

Also, Senate bill introduced by Mr. Newcomb (No. 1180, Rec. No. 215), entitled "An act to amend the Code of Civil Procedure, relative to pleadings in civil actions."

Also, Senate bill introduced by Mr. Stilwell (No. 640, Rec. No. 259), entitled "An act to amend 'An act in relation to legislation, constituting chapter thirty-two of the Consolidated Laws,' in regard to the publication of laws passed by the Legislature, in four newspapers in the county of New York," reported in favor of the passage of the same without amendment, and that the same be made special orders on second and third reading immediately after the consideration of the special orders on third reading heretofore reported, which report was agreed to, and said bills ordered made special orders on second and third reading immediately after the consideration of the special orders on third reading heretofore reported.

Mr. Speaker, from the committee on rules, to which was referred the Senate bill introduced by Mr. Grattan (No. 806, Rec. No. 170), entitled "An act to permit the insurance companies to issue policies of insurance and annuities with special rates of premiums to labor unions and other organizations," reported in favor of the passage of the same, with the following amendments:

Page 1, line 7, after the word "insurance" insert a comma.

Page 1, line 7, before the word "with" insert the following in italics: "on the industrial plan with weekly or monthly payment of premiums,".

and that the same be reprinted, as amended, and that when it shall have been on the desks of the members three calendar legislative days it be made a special order on second and third reading immediately after consideration of the special orders on third reading theretofore reported, which report was agreed to, and said bill ordered reprinted, as amended, and that when it shall have been on the desks of the members three calendar legislative days it be made a special order on second and third reading immediately



after the consideration of the special orders on third reading theretofore reported.

Mr. Speaker, from the committee on rules, to which was referred the bill introduced by Mr. Edwards (No. 2266, Int. No. 1699), entitled "An act to amend the County Law, in relation to the office of county comptroller," reported the same with the following amendments:

On page 2, strike out beginning "if such" on line 17 down to and including "successor" on line 21.

and request that said bill be reprinted, as amended, and recommitted to said committee, which report was agreed to, and said bill ordered reprinted, as amended, and recommitted to said committee.

Mr. Draper, from the committee on privileges and elections, submitted the following report:

#### IN ASSEMBLY OF THE STATE OF NEW YORK.

In the Matter of the Contest of Solomon Strauss to the Seat of Irving J. Joseph, Member of Assembly of the Twenty-sixth Assembly District of the County of New York.

*To the Honorable Assembly of the State of New York:*

Your standing committee on privileges and elections to whom was referred the above contest begs leave to make the following report:

That the petition which was filed and served herein states as ground of contest as follows:

First:—That your petitioner is a resident of the Twenty-sixth Assembly district of the borough of Manhattan, city of New York.

Second:—That at the general election held in and for the State of New York, on the 3d day of November, 1908, your petitioner was the candidate of the Republican party for the office of member of Assembly in and for said district, and his name appeared on the official ballot cast in said district at such election as the Republican nominee and candidate for the said office in said district.

Third:—That one Irving J. Joseph claiming to be a resident of said district, was a candidate for said office of Member of Assembly in and for said district and his name appeared upon the official ballot cast at such election in said Assembly district as the nominee and candidate of the Democratic party in such district for said office.

Fourth:—Your petitioner further avers upon information and belief that of all the legal ballots cast in said Twenty-sixth Assembly District at said general election for the office of Member of Assembly in and for said district, your petitioner received a plurality thereof.

Fifth:—Your petitioner further avers upon information and belief that the return made by the election officers in the various election districts of the said Twenty-sixth Assembly District of the ballots cast at such general election for said office of Member of Assembly were erroneous and incorrect and that ballots which should have been counted for your petitioner were not so counted and ballots were counted for the said Irving J. Joseph.

Sixth:—Your petitioner further avers upon information and belief, that the board of elections of the city of New York, relying upon such erroneous canvass and incorrect and erroneous returns, granted to said Irving J. Joseph a certificate of election for the office and Member of Assembly in and for the said Twenty-sixth Assembly District, and, as your petitioner is informed and believes, that the said Irving J. Joseph now claims title to the said office of Member of Assembly in the said Twenty-sixth Assembly District.

Seventh:—Upon information and belief, that the ballots as contained in the ballot boxes of the First, Second, Fourth, Fifth, Thirteenth, Eighteenth, Nineteenth and Twentieth Election Districts of the said Twenty-sixth Assembly District will show a result far more favorable to your petitioner than the reports of the inspectors of the ballots cast do at present do, and, therefore, your petitioner asks your honorable body to subpoena and open said ballot boxes in said election districts.

Wherefore, your petitioner respectfully prays that your honorable body by itself or through its legally constituted committee shall recanvass and recount the votes cast in said Twenty-sixth Assembly District for the office of Member of Assembly at the general election held in and for said district on the 3d day of November, 1908, and that your honorable body or its legally constituted committee shall also re-examine the so-called void and protested ballots cast in said Twenty-sixth Assembly District for office of Member of Assembly at the general election held in and for the said district on the 3rd day of November, 1908.

Your petitioner makes this charge for the following reasons:

In the Second Election District out of a total of over four hundred votes there were only two void ballots returned, one of which was Republican and the other Democratic, apparently a compromise and a result which is not very probable in a total of over four hundred votes.

In the Fourth Election District from information given to the contestant by one Louis J. Gold, an authorized watcher, certain votes were counted for Joseph, the contestee in this case, which should have been counted as void and without the opening of the ballot boxes your committee cannot discover whether such ballots which were counted for Joseph are void or not.

In the Fifth Election District out of a total of five hundred votes there is but one void ballot, an improbable result in a district of that kind.

In the thirteenth Election District many votes were found by your committee which were counted by the inspectors as void and which were afterwards credited to either Mr. Joseph or Mr. Strauss. It appears from the examination of such ballots in this election district that there was gross negligence somewhere and in the interest of justice the ballot boxes of this election district should be opened.

In the Nineteenth Election District while the inspectors returned that there were two void ballots the envelope which should contain such void ballots was found to be empty and the alleged void ballots were not found there.

In the Twentieth Election District protested ballots which should have been counted either for the contestant or the contestee were not counted at all.

From a summary of the above I trust that your committee will find that the contestant has at least made out a *prima facie* case for some action on the part of your committee in the matter of opening the ballot boxes, in the election districts aforesaid.

You will recognize the fact that absolute proof is most difficult to obtain and it seems to me that all the committee can require is some evidence or some circumstances which may lead a reasonable man to believe that a different result will be obtained from the opening of the ballot boxes than at present from the records.

That the answer filed herein denies the allegations as follows:

First:—Neither affirms or denies that petitioner is a resident of the Twenty-sixth Assembly District of the borough of Manhattan, city of New York.

Second:—Neither affirms or denies that at the general election held in and for the city of New York on the 3rd day of November, 1908, the petitioner was the candidate of the Republican party for the office of Member of Assembly in or for said district or that petitioner's name appeared on the official ballot cast in said district at such election as the Republican nominee and candidate for the said office in said district.

Third.—Affirms and alleges that he, said Irving J. Joseph, claimed to be and was a resident of said district and was a can-



didate for said office of Member of Assembly in and for said district, and that his name did appear upon the official ballot cast at such election in said Assembly district as the nominee and candidate of the Democratic party in such district for said office.

Fourth:—Denies that of all the legal ballots cast in said Twenty-sixth Assembly District at such general election for the office of Member of Assembly the petitioner received a plurality thereof, but alleges that of all the legal ballots cast in said Twenty-sixth Assembly District at said general election for office of Member of Assembly in and for said district, he, the contestee herein named, received a plurality thereof.

Fifth:—Denies that the return made by the election officers in the various election districts of the said Twenty-sixth Assembly District, of the ballots cast at such general election for said office of Member of Assembly was erroneous or incorrect; or that ballots which should have been counted for petitioner were not so counted; or that erroneous and incorrect ballots were counted for the contestee herein, it having been fully determined in the manner provided by law that the return made by the election officers in the various election districts of said Twenty-sixth Assembly District, of the ballots cast at such general election for said office of Member of Assembly was accurate and correct and that all the ballots which should have been counted for your petitioner were so counted, and that no ballots were counted for the contestee herein which should not have been counted for him.

Sixth:—Admits and affirms that the board of elections of the city of New York granted to the contestee herein a certificate of election for the office of Member of Assembly in and for the said Twenty-sixth Assembly District, and that he now claims and holds title to the said office of Member of Assembly in the said Twenty-sixth Assembly District, but denies that said board of elections relied upon an erroneous canvass or upon incorrect or erroneous returns, it having been duly decided that such canvass was accurate and such returns were correct and accurate.

Seventh:—Denies that the ballots as contained in the ballot boxes of the First, Second, Fourth, Fifth, Thirteenth, Eighteenth, Nineteenth and Twentieth or any other elections districts of the said Twenty-sixth Assembly District will show a result more favorable, or far more favorable, to your petitioner than the reports of the inspectors of the ballots cast do at present, it having been fully determined that said ballots were properly and accurately counted, and that the returns made in the reports of the inspectors of said ballots have been duly declared to be accurate and correct.

Wherefore, the contestee herein respectfully prays that your honorable body dismiss the petition of your petitioner-contestant,

there having been shown no necessity or apparent reason for a recanvass or recount of the votes cast in said Twenty-sixth Assembly District for the office of Member of Assembly at the general election held in and for the said district on the 3rd day of November, 1908.

That the contestant was represented by Mr. Jacob R. Schiff, counsellor-at-law, No. 320 Broadway, borough of Manhattan, New York city.

And the contestee by Ernest H. Wallace, attorney-at-law, 170 Broadway, New York city.

After joinder of issue and testimony taken, your committee is fully satisfied that Solomon Strauss was a legal resident of the Twenty-sixth Assembly District, borough of Manhattan, city of New York, and also the candidate of the Republican party for the office of Member of Assembly of that district, and that his name appeared upon the official ballot at the last election held on November 3, 1908, and further that Irving J. Joseph was the regular nominee of the Democratic party at such election, and that his name appeared upon the official ballot.

Your committee reviewed carefully the void and protested ballots throughout the district, and while there were slight gains and losses, they were not of sufficient and material importance to give the details. The tally sheets and return of canvass were carefully compared. There were evidences of the work of the inspectors being rather incomplete, but not of a character that would change the final result. It is alleged that in some districts where a large vote was cast, that only a very small number, if any, void or protested ballots were canvassed. It is also alleged that as a result of such a canvass many votes were counted for the contestee which should not have been.

Your committee took leave to open several of the ballot boxes and found that, possibly, some ballots which were cast and counted as regular should have been protested. It was apparent that a compromise of some sort had been reached by the inspectors, but no evidence of fraud was manifest from the fact that both candidates fared equally by the said compromise.

One Louis J. Gould, who testified that he was one of the challengers and assistant watcher on election day, pointed out two or three discrepancies in the canvass of votes that should have been different. While upon this testimony it might have made a change of two or three votes in favor of Mr. Strauss, it would not materially affect this result, except that your committee, at this time, would suggest that more care in the future be taken by the inspectors to a closer observance in the canvassing of ballots voted as splits.

The present election law provides for the organization of watchers, challengers, etc. We believe that closer inspection by the watchers at the time of canvass and stricter interpretation of the election law is advisable; and in that event there will be a large number of protested ballots and less reason for the opening of ballot boxes. We believe that the board of canvassers are careless in the performance of their duties to a great degree, from the fact that the statement of canvass presented to them in many instances is very incomplete, and is never corrected.

We would urge that the board of elections acquaint the board of canvassers with this recommendation, that this condition may be improved upon in the future.

We found in reviewing the void and protested ballots that the greatest percentage of void ballots were made so by reason of the names of the presidential candidates being placed upon the official ballot in addition to the names of the electors. Many instances where the attempt was made to split the ticket for either of the presidential candidates, a cross ( $\Delta$ ) mark was made before their names. There being no space for making such a mark before the candidates for president and vice-president, rendered the ballot void; and in this district there were a great number of those ballots. Upon this statement of fact, we would recommend that in the future the names of the presidential candidates be left off from the official ballot.

Your committee finding no evidence of fraud or misconduct or the appearance that any candidate was suffering particularly thereby, except as stated in our foregoing conclusions and recommendations, and that Solomon Strauss has failed to establish his right to the seat of Irving J. Joseph as Member of Assembly of the Twenty-sixth Assembly District of county of New York, and that Irving J. Joseph received a plurality of the votes and was duly elected thereto, and is entitled to his seat as sitting member from January 1, 1909, to January 1, 1910.

Your committee would, therefore, recommend the adoption of the resolution to carry into effect this report; all of which is respectfully submitted.

Dated NEW YORK, *April* 22, 1909.

On motion of Mr. Draper, said report was agreed to.

Mr. Draper offered for the consideration of the House a resolution, in the words following:

Resolved, That the Honorable Irving J. Joseph was duly elected and entitled to hold the seat now occupied by him in the Assembly, State of New York, as a representative of the twenty-sixth Assembly district, city of New York, county of New York, from the 1st day of January, 1909, to the 1st day of January, 1910.



Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 132

NOES 00

Those who voted in the affirmative were:

Allen	Filley	Lansing	Murphy C F	Staley
Barden	Foley	Lazarus	Murphy F J	Stein
Bates	Fowler	Lee	Murray	Stern
Baumes	Francis	Leffingwell	Neupert	Sullivan
Bennett	Frisbie	Levy A J	Nolan	Surpless
Boshart	Garbe	Levy J	Odell	Thompson
Brady	Geoghegan	Lewis	Oliver	Thorn
Brown C F	Gillen	Lowe	O'Neil	Toombs
Brown G W	Glore	Lowman	Parker F B	Travis
Burhyte	Goldberg	Lupton	Parker J S	Voss
Callan	Goodspeed	MacGregor	Partridge	Waddell
Caughlan	Graubard	Manley	Perkins	Walters
Cheney	Gray	Marks	Phillips C W	Ward
Clarke	Green	Marlatt	Phillips J S	Waters
Colné	Gunderman	Martin	Reed	Weaver
Conklin	Hackett	McCue	Robinson	Weber
Costello	Haines	McElligott	Rozan	Wende
Cuvillier	Hammond	McFarlane	Sanner	White E H
De Groot	Hamn	McGrath	Sargent	White L H
Donnelly	Hawley	McInerney	Scott	Whitley
Draper	Hemenway	McLaughlin	Shea	Whitney
Duell	Hoey	Mead	Smith A E	Williams
Eagleton	Howard	Merritt	Smith C	Wood
Edwards	Jackson	Millen	Smith F L	Yale
Evans	Jordan	Miller J L	Smith M	Young E
Farrar	Lachman	Miller W G	Spielberg	Young F L
Fay	Lanahan			

The Clerk reported the following bills as correctly printed and engrossed:

"An act to make an appropriation for the payment of the judgments of the Court of Claims arising on account of the canals of this State." (No. 2236, Int. No. 1685.)

"An act to amend the Forest, Fish and Game Law, in relation to taking bass in certain waters of Allegany county." (No. 2262, Int. No. 1695.)

"An act to make an appropriation for the payment of the judgments of the Court of Claims in claims other than those on account of the canals of this State." (No. 2235, Int. No. 1684.)

"An act to amend the Greater New York charter, in relation to the appointment and compensation of drivers of patrol wagons." (No. 2211, Int. No. 879.)

"An act to amend chapter six hundred and seventy of the Laws of nineteen hundred and six, entitled 'An act to establish a new State prison in the eastern part of the State to take the place of Sing Sing prison; to authorize the Governor to appoint a commission to select and purchase a site,' in relation to the erection and completion of such prison, and making an additional appropriation therefor." (No. 2246, Int. No. 1606.)

"An act to amend the Greater New York charter, relative to granting authority to the commissioners of the sinking fund to lease or grant certain interests or rights in lands acquired by the city outside the limits of said city." (No. 2046, Int. No. 1569.)

"An act to amend chapter nineteen of the Consolidated Law, being the Forest, Fish and Game Law, in relation to the open season for trout in Delaware county." (No. 970, Int. No. 871.)

"An act to amend the Judiciary Law, in relation to the salary of the stenographer of the County Court of Monroe county." (No. 2198, Int. No. 1661.)

"An act to amend the Greater New York charter, relative to inspection of boilers and engines, and the qualification and licensing of engineers." (No. 443, Int. No. 427.)

"An act to amend the Tax Law, in relation to the compensation and the powers and duties of the State Board of Tax Commissioners." (No. 2249, Int. No. 1618.)

"An act to amend the Education Law, relating to the board of trustees and treasurer of the State School of Agriculture at Saint Lawrence University." (No. 2228, Int. No. 1677.)

"An act for the relief of the town of Fremont, in the county of Sullivan." (No. 2257, Int. No. 1689.)

"An act to amend the Religious Corporations Law, in relation to property of extinct churches." (No. 2252, Int. No. 1295.)

"An act to authorize the board of trustees of the village of Ellenville, in the county of Ulster, to provide for a supply of water for such village and to raise the necessary funds therefor by issuing and selling village bonds." (No. 2260, Int. No. 1692.)

"An act to amend the Decedent Estate Law, in relation to the authentication of foreign wills, records and papers relating to decedents' estates." (No. 2225, Int. No. 1674.)

"An act to amend the General Business Law, in relation to

standard measures and regulating manufacture of containers.” (No. 2245, Int. No. 990.)

“An act to legalize, ratify and confirm the proceedings of the trustees and officers and legal voters of the village of Valatie relative to the issuance and sale of certain bonds of said village of Valatie.” (No. 2261, Int. No. 1693.)

“An act to amend chapter sixty-five of the Laws of nineteen hundred and six, entitled ‘An act to make the office of sheriff of Ulster county a salaried office, and to regulate the management thereof,’ in relation to mileage.” (No. 2227, Int. No. 1676.)

“An act to authorize the several towns in the county of Suffolk to establish police districts outside the limits of any incorporated village therein, and to elect within such districts by ballot one police justice, three commissioners, and to provide for police patrolmen within said district.” (No. 2254, Int. No. 1353.)

“An act making an appropriation for the Attorney-General.” (No. 2258, Int. No. 1690.)

“An act to amend chapter seven hundred and fifty-five of the Laws of nineteen hundred and seven, entitled ‘An act constituting the charter of the city of Rochester,’ in relation to the Municipal Court.” (No. 2197, Int. No. 1660.)

“An act to incorporate the Providence hospital.” (No. 2038, Int. No. 1558.)

“An act to amend the Greater New York charter, in relation to pensions of members of the fire department.” (No. 546, Int. No. 514.)

“An act to amend chapter six hundred and fifty of the Laws of nineteen hundred and four, entitled ‘An act to revise the charter of the city of Rome,’ relative to salary of aldermen.” (No. 2175, Int. No. 923.)

“An act to amend the General Business Law, in relation to the keeping of books by auctioneers, and inspection thereof.” (No. 2219, Int. No. 1668.)

“An act to amend the Agricultural Law, entitled ‘An act in relation to agriculture, constituting chapter one of the Consolidated Laws,’ in relation to samples of milk that have been tested at butter and cheese factories and to licenses to be issued by the Commissioner of Agriculture.” (No. 1672, Int. No. 1276.)



“An act to amend the Insurance Law, generally.” (No. 2174, Int. No. 1631.)

“An act to amend section eighty-eight of article two of chapter twenty-eight of the Consolidated Laws, as to the surrender value of certain life insurance policies.” (No. 1778, Int. No. 1429.)

“An act to amend the Education Law, in relation to teachers’ training classes and training schools.” (No. 2280, Int. No. 1708.)

“An act to amend the Greater New York charter, relative to the number of police clerks’ assistants that may be appointed in the city magistrates’ court of the first division of the city of New York.” (No. 209, Int. No. 209.)

“An act to authorize the construction of a new iron bridge with double driveways and sidewalks over the Erie canal at South Washington street, in the city of Rome.” (No. 757, Int. No. 706.)

“An act to amend the Penal Law, in relation to the keeping of books by auctioneers, and the inspection thereof.” (No. 2220, Int. No. 1669.)

Mr. McInerney offered for the consideration of the House a resolution, in the words following:

Whereas, A bill has been introduced in the Legislature prohibiting the location of State prisons in any city of the State; and

Whereas, The Superintendent of Prisons has in his reports opposed the policy of locating State prisons within the corporate limits of cities, because of sanitary and moral conditions thereby arising; and

Whereas, Such Superintendent of Prisons has recommended that immediate steps be taken to relieve the crowded condition of the prisons of the State and that permanent prisons will have to be established in the near future in addition to those already in use; and

Whereas, The State is now the owner of certain lands at Comstocks, Washington county, which are ample and suitable for the location of a temporary or permanent State prison and such Superintendent has stated that suitable buildings for such purposes can be erected sufficiently soon to meet the said congested conditions and such temporary buildings could be built at Comstocks in such a manner that later the same might, at a comparatively small additional expense, be made permanent; and

Whereas, The recommendation has been made to the chief executive officer of the State that the buildings formerly used by the State Industrial School at Rochester be utilized for the purpose of a temporary State prison, at an approximate cost to the State for repairs, rebuilding and refitting of from \$200,000 to \$250,000; and

Whereas, The citizens of the city of Rochester object to the placing of a prison in the residence district of such city in which such abandoned State Industrial School buildings are located; therefore, be it

Resolved (if the Senate concur), That the Superintendent of Prisons report to the Legislature, at his earliest convenience, the prospect of erecting such temporary quarters at Comstocks as shall be sufficient to meet the existing congested conditions; the time in which the same can reasonably be accomplished; the availability and accessibility of the same, and the number of acres now owned by the State at such a site and his recommendations as to the Baker farm, at Comstocks, for prison purposes as compared to the State Industrial School site at Rochester.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 2271) entitled "An act to amend the Village Law, in relation to notice before the accrual of certain causes of actions against villages for damages for personal injuries resulting from negligence." (No. 2271, Int. No. 1600.)

Said bill having been announced for a third reading,

On motion of Mr. Frisbie, and by unanimous consent, said bill was ordered placed on the third reading calendar for Tuesday next.

Mr. Speaker announced the special order, being the bill (No. 2014) entitled "An act to amend the State Printing Law, generally." (No. 2014, Int. No. 1460.)

Said bill having been announced,

Mr. Fowler moved that said bill be recommitted to the committee on rules, with instructions to report the same forthwith amended by the substitution of the following bill:

(See Appendix No. 52.)

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Speaker, from the committee on rules, reported said bill amended as directed, and the same was ordered reprinted and placed on the special order of third reading.

Mr. Speaker announced the special order, being the bill (No. 2174) entitled "An act to amend the Insurance Law, generally." (Int. No. 1631.)

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 131

NOES 00

Those who voted in the affirmative were:

Allen	Filley	Lansing	Murphy C F	Staley
Barden	Foley	Lazarus	Murphy F J	Stein
Bates	Fowler	Lee	Murray	Stern
Baumes	Francis	Leffingwell	Neupert	Sullivan
Bennett	Frisbie	Levy A J	Nolan	Surpless
Boshart	Garbe	Levy J	Odell	Thompson
Brady	Geoghegan	Lewis	Oliver	Thorn
Brown C F	Gillen	Lowe	O'Neil	Toombs
Brown G W	Glore	Lowman	Parker F B	Travis
Burhyte	Goldberg	Lupton	Parker J S	Voss
Callan	Godspeed	MacGregor	Partridge	Waddell
Caughlan	Graubard	Manley	Perkins	Walters
Cheney	Gray	Marks	Phillips C W	Ward
Clarke	Green	Marlatt	Parker J S	Waters
Colné	Gunderman	Martin	Reed	Weaver
Conklin	Hackett	McCue	Robinson	Weber
Costello	Haines	McElligott	Rozan	Wende
Cuvillier	Hammond	McFarlane	Sanner	White E H
De Groot	Hamn	McGrath	Sargent	White L H
Donnelly	Hawley	McInerney	Schmidt	Whitley
Draper	Hemenway	McLaughlin	Scott	Whitney
Duell	Hoey	Mead	Shea	Williams
Eagleton	Howard	Merritt	Smith A E	Wood
Edwards	Klein	Millen	Smith C	Yale
Evans	Lachman	Miller J L	Smith F L	Young E
Farrar	Lanahan	Miller W G	Spielberg	Young F L
Fay				

Ordered, That the Clerk engross said bill and deliver the same to the Senate and request their concurrence therein.



Mr. Speaker announced the special order, being the bill (No. 2058) entitled "An act to amend the Labor Law, relative to the employment of minors in dangerous employment and forbidding such employment." (Int. No. 1017.)

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 131

NOES 00

Those who voted in the affirmative were:

Allen	Fillee	Lansing	Murphy C F	Staley
Barden	Foley	Lazarus	Murphy F J	Stein
Bates	Fowler	Lee	Murray	Stern
Baumes	Francis	Leffingwell	Neupert	Sullivan
Bennett	Frisbie	Levy A J	Nolan	Surpless
Boshart	Garbe	Levy J	Odell	Thompson
Brady	Geoghegan	Lewis	Oliver	Thorn
Brown C F	Gillen	Lowe	O'Neil	Toombs
Brown G W	Glore	Lowman	Parker F B	Travis
Burhyte	Goldberg	Lupton	Parker J S	Voss
Callan	Goodspeed	MacGregor	Partridge	Waddell
Caughlan	Graubard	Manley	Perkins	Walters
Cheney	Gray	Marks	Phillips C W	Ward
Clarke	Green	Marlatt	Phillips J S	Waters
Colné	Gunderman	Martin	Reed	Weaver
Conklin	Hackett	McCue	Robinson	Weber
Costello	Haines	McElligott	Rozan	Wende
Cuvillier	Hammond	McFarlane	Sanner	White E H
De Groot	Hamn	McGrath	Sargent	White L H
Donnelly	Hawley	McInerney	Schmidt	Whitley
Draper	Hemenway	McLaughlin	Scott	Whitney
Duell	Hoey	Mead	Shea	Williams
Eagleton	Howard	Merritt	Smith A E	Wood
Edwards	Klein	Millen	Smith C	Yale
Evans	Lachman	Miller J L	Smith F L	Young E
Farrar	Lanahan	Miller W G	Spiegelberg	Young F L
Fay				

Ordered, That the Clerk engross said bill and deliver the same to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 2210) entitled "An act to amend the County Law, in relation to the establishment and maintenance of county hospitals for the care of persons suffering from the disease known as tuberculosis." (Int. No. 1488.)

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 131

NOES 00

Those who voted in the affirmative were:

Allen	Filley	Lansing	Murphy C F	Staley
Barden	Foley	Lazarus	Murphy F J	Stein
Bates	Fowler	Lee	Murray	Stern
Baumes	Francis	Leffingwell	Neupert	Sullivan
Bennett	Frisbie	Levy A J	Nolan	Surpless
Boshart	Garbe	Levy J	Odell	Thompson
Brady	Geoghegan	Lewis	Oliver	Thorn
Brown C F	Gillen	Lowe	O'Neil	Toombs
Brown G W	Glore	Lowman	Parker F B	Travis
Burhyte	Goldberg	Lupton	Parker J S	Voss
Callan	Goodspeed	MacGregor	Partridge	Waddell
Caughlan	Graubard	Manley	Perkins	Walters
Cheney	Gray	Marks	Phillips C W	Ward
Clarke	Green	Marlatt	Phillips J S	Waters
Colné	Gunderman	Martin	Reed	Weaver
Conklin	Hackett	McCue	Robinson	Weber
Costello	Haines	McElligott	Rozan	Wende
Cuvillier	Hammond	McFarlane	Sanner	White E H
De Groot	Hamm	McGrath	Sargent	White L H
Donnelly	Hawley	McInerney	Schmidt	Whitley
Draper	Hemenway	McLaughlin	Scott	Whitney
Duell	Hoey	Mead	Shea	Williams
Eagleton	Howard	Merritt	Smith A E	Wood
Edwards	Klein	Millen	Smith C	Yale
Evans	Lachman	Miller J L	Smith F L	Young E
Farrar	Lanahan	Miller W G	Spielberg	Young F L
Fay				

Ordered, That the Clerk engross said bill and deliver the same to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 2241) entitled "An act to amend the Agricultural Law, in relation to skim-milk or skim-cheese." (Int. No. 1178.)

On motion of Mr. Glore, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the negative, a majority of all the members elected to the Assembly not voting in favor thereof, and three-fifths being present.

AYES 45

NOES 79

Those who voted in the affirmative were:

Barden	Farrar	Klein	Miller W G	Smith A E
Bennett	Fay	Lachman	Murphy C F	Stern
Brown G W	Geoghegan	Lazarus	Oliver	Surpless
Clarke	Glore	Lee	Parker F B	Thompson
Colné	Goodspeed	Levy A J	Robinson	Toombs
Conklin	Haines	Lupton	Sanner	Voss
De Groot	Hawley	Manley	Sargent	Ward
Donnelly	Herrick	McKeon	Schmidt	Weber
Eagleton	Hoey	Merritt	Sheridan	Wende

Those who voted in the negative were:

Allen	Frisbie	Lowe	Nolan	Sullivan
Bates	Garbe	Lowman	Odell	Thorn
Baumes	Graubard	Marks	O'Neil	Travis
Bohan	Gray	Marlatt	Parker J S	Waddell
Boshart	Green	Martin	Partridge	Walters
Burhyte	Gunderman	McCue	Perkins	Waters
Callan	Hackett	McElligott	Phillips C W	Weaver
Caughlan	Hamm	McFarlane	Phillips J S	White E H
Cheney	Hemenway	McGrath	Reed	White L H
Cuvillier	Howard	McInerney	Rozan	Whitney
Duell	Jordan	Mead	Schutta	Williams
Edwards	Lanahan	Millen	Scott	Wood
Evans	Lansing	Miller J L	Shea	Yale
Filley	Leffingwell	Murphy F J	Smith C	Young E
Foley	Levy J	Murray	Smith F L	Young F L
Francis	Lewis	Neupert	Stein	

Mr. Glore moved to reconsider the vote by which said bill was lost, and that said motion lie on the table.

Mr. Speaker put the question whether the House would agree to said motion, and it was decided in the affirmative.

Mr. Speaker announced the special order, being the Senate bill (No. 730) entitled "An act to amend the Code of Civil Procedure, in relation to payment of moneys deposited in court in actions for partition." (Rec. No. 171.)

Said bill having been announced, Mr. Waters moved to amend as follows:

On page 5, line 22, after the word "thereto" strike out period and insert comma and the following matter: "subject to the provisions of article second, title three, chapter fifteen of the Code of Civil Procedure."



Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Ordered, That said bill be reprinted and restored to the special order of second and third reading.

Mr. Speaker announced the special order, being the bill (No. 2273) entitled 'An act to amend the Highway Law, in relation to the preliminary resolution of the board of supervisors and what highways or sections thereof may be included therein.' (Int. No. 1701.)

Said bill having been announced, Mr. Burhyte moved to amend as follows:

On page 1, line 1, after "chapter" strike out "twenty-" and insert "thirty of the Laws of nineteen hundred and nine, entitled 'An act relating to highways, constituting chapter twenty-five of the Consolidated Laws.'"

Same page, strike out line 2.

Same page, at the beginning of line 3, strike out "Laws of nineteen hundred and nine."

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Ordered, That said bill be reprinted and restored to the special order of second and third reading.

Mr. Speaker announced the special order, being the bill (No. 209) entitled "An act to amend the Greater New York charter, relative to the number of police clerks' assistants that may be appointed in the city magistrates' courts of the first division of the city of New York." (Int. No. 209.)

On motion of Mr. Conklin, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar-legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 131

NOES 00

Those who voted in the affirmative were:

Allen	Filley	Lansing	Murphy C F	Staley
Barden	Foley	Lazarus	Murphy F J	Stein
Bates	Fowler	Lee	Murray	Stern
Baumes	Francis	Leffingwell	Neupert	Sullivan
Bennett	Frisbie	Levy A J	Nolan	Surpluss
Boshart	Garbe	Levy J	Odell	Thompson
Brady	Geoghegan	Lewis	Oliver	Thorn
Brown C F	Gillen	Lowe	O'Neil	Toombs
Brown G W	Glore	Lowman	Parker F B	Travis
Burhyte	Goldberg	Lupton	Parker J S	Voss
Callan	Goodspeed	MacGregor	Partridge	Waddell
Caughlan	Graubard	Manley	Perkins	Walters
Cheney	Gray	Marks	Phillips C W	Ward
Clarke	Green	Marlatt	Phillips J S	Waters
Colné	Gunderman	Martin	Reed	Weaver
Conklin	Hackett	McCue	Robinson	Weber
Costello	Haines	McElligott	Rozan	Wende
Cuvillier	Hammond	McFarlane	Sanner	White E H
De Groot	Hamm	McGrath	Sargent	White L H
Donnelly	Hawley	McInerney	Schmidt	Whitley
Draper	Hemenway	McLaughlin	Scott	Whitney
Duell	Hoey	Mead	Shea	Williams
Eagleton	Howard	Merrit	Smith A I	Wood
Edwards	Klein	Millen	Smith C	Yale
Evans	Lachman	Miller J L	Smith F L	Young E
Farrar	Lanahan	Miller W G	Spielberg	Young F L
Fay				

Ordered, That the Clerk engross said bill and deliver the same to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 757) entitled "An act to authorize the construction of a new iron bridge with double driveways and sidewalks over the Erie canal at South Washington street, in the city of Rome." (Int. No. 706.)

On motion of Mr. Edwards, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 131

NOES 00

Those who voted in the affirmative were:

Allen	Filley	Lansing	Murphy C F	Staley
Barden	Foley	Lazarus	Murphy F J	Stein
Bates	Fowler	Lee	Murray	Stern
Baume	Francis	Leffingwell	Neupert	Sullivan
Bennett	Frisbie	Levy A J	Nolan	Surpless
Boshart	Garbe	Levy J	Odell	Thompson
Brady	Geoghegan	Lewis	Oliver	Thorn
Brown C F	Gillen	Lowe	O'Neil	Toombs
Brown G W	Glore	Lowman	Parker F B	Travis
Burhyte	Goldberg	Lupton	Parker J S	Voss
Callan	Goodspeed	MacGregor	Partridge	Waddell
Caughlan	Graubard	Manley	Perkins	Walters
Cheney	Gray	Marks	Phillips C W	Ward
Clarke	Green	Marlatt	Phillips J S	Waters
Colné	Gunderman	Martin	Reed	Weaver
Conklin	Hackett	McCue	Robinson	Weber
Costello	Haines	McElligott	Rozan	Wende
Cuvillier	Hammond	McFarlane	Sanner	White E H
De Groot	Hamn	McGrath	Sargent	White L H
Donnelly	Hawley	McInerney	Schmidt	Whitley
Draper	Hemenway	McLaughlin	Scott	Whitney
Duell	Hoey	Mead	Shea	Williams
Eagleton	Howard	Merritt	Smith A E	Wood
Edwards	Klein	Millen	Smith C	Yale
Evans	Lachman	Miller J L	Smith F L	Young E
Farrar	LANAHAN	Miller W G	Spielberg	Young F L
Fay				

Ordered, That the Clerk engross said bill and deliver the same to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 2219) entitled "An act to amend the General Business Law, in relation to the keeping of books by auctioneers and inspection thereof." (Int. No. 1668.)

On motion of Mr. C. F. Murphy, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.



AYES 125

NOES 6

Those who voted in the affirmative were:

Allen	Fay	Lanahan	Murray	Stein
Barden	Filley	Lansing	Neupert	Stern
Bates	Foley	Lazarus	Nolan	Sullivan
Baumes	Fowler	Lee	Odell	Surpless
Boshart	Francis	Leffingwell	Oliver	Thompson
Brady	Frisbie	Lewis	O'Neil	Thorn
Brown C F	Garbe	Lowe	Parker F B	Toombs
Brown G W	Geoghegan	Lowman	Parker J S	Travis
Burhyte	Gillen	Lupton	Partridge	Voss
Callan	Glore	MacGregor	Perkins	Waddell
Caughlan	Goldberg	Manley	Phillips C W	Walters
Cheney	Goodspeed	Marlatt	Phillips J S	Ward
Clarke	Gray	Martin	Reed	Waters
Colné	Green	McCue	Robinson	Weaver
Conklin	Gunderman	McElligott	Rozan	Weber
Costello	Hackett	McFarlane	Sanner	Wende
Cuvillier	Haines	McGrath	Sargent	White E H
De Groot	Hammond	McLaughlin	Schmidt	White L H
Donnelly	Hamm	Mead	Scott	Whitley
Draper	Hawley	Merritt	Shea	Whitney
Duell	Hemenway	Millen	Smith A E	Williams
Eagleton	Hoey	Miller J L	Smith C	Wood
Edwards	Howard	Miller W G	Smith F L	Yale
Evans	Klein	Murphy C F	Spielberg	Young E
Farrar	Lachman	Murphy F J	Staley	Young F L

Those who voted in the negative were:

Bennett	Levy A J	Levy J	Marks	McInerney
Graubard				

Ordered, That the Clerk engross said bill and deliver the same to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 2220) entitled "An act to amend the Penal Law, in relation to the keeping of books by auctioneers, and the inspection thereof." (Int. No. 1669.)

On motion of Mr. C. F. Murphy, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 128

NOES 4

Those who voted in the affirmative were:

Allen	Fay	Lanahan	Murray	Stein
Barden	Filley	Lansing	Neupert	Stern
Bates	Foley	Lazarus	Nolan	Sullivan
Baumes	Fowler	Lee	Odell	Surpless
Bennett	Francis	Leffingwell	Oliver	Thompson
Boshart	Frisbie	Lewis	O'Neil	Thorn
Brady	Garbe	Lowe	Parker F B	Toombs
Brown C F	Geoghegan	Lowman	Parker J S	Travis
Brown G W	Gillen	Lupton	Partridge	Voss
Burhyte	Glore	MacGregor	Perkins	Waddell
Callan	Goldberg	Manley	Phillips C W	Walters
Caughlan	Goodspeed	Marlatt	Phillips J S	Ward
Cheney	Gray	Martin	Reed	Waters
Clarke	Green	McCue	Robinson	Weaver
Colné	Gunderman	McElligott	Rozan	Weber
Conklin	Hackett	McFarlane	Sanner	Wende
Costello	Haines	McGrath	Sargent	White E H
Cuvillier	Hammond	McInerney	Schmidt	White L H
De Groot	Hamm	McLaughlin	Scott	Whitley
Donnelly	Hawley	Mead	Shea	Whitney
Draper	Hemenway	Merritt	Smith A E	Williams
Duell	Herrick	Millen	Smith C	Wood
Eagleton	Hoey	Miller J L	Smith F L	Yale
Edwards	Howard	Miller W G	Spielberg	Young E
Evans	Klein	Murphy C F	Staley	Young L F
Farrar	Lachman	Murphy F J		

Those who voted in the negative were:

Graubard	Levy A J	Levy J	Marks
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Ordered, That the Clerk engross said bill and deliver the same to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 2277) entitled "An act to authorize certain towns in the counties of Delaware, Sullivan and Broome to issue certificates of indebtedness and, when authorized by the board of supervisors in any such county, to refund the same by the issuance and sale of town bonds." (Int. No. 1705.)

On motion of Mr. Millen, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 131

NOES 00

Those who voted in the affirmative were:

Allen	Filley	Lansing	Murphy C F	Staley
Barden	Foley	Lazarus	Murphy F J	Stein
Bates	Fowler	Lee	Murray	Stern
Baumes	Francis	Leffingwell	Neupert	Sullivan
Bennett	Frisbie	Levy A J	Nolan	Surpless
Boshart	Garbe	Levy J	Odell	Thompson
Brady	Geoghegan	Lewis	Oliver	Thorn
Brown C F	Gillen	Lowe	O'Neil	Toombs
Brown G W	Glore	Lowman	Parker F B	Travis
Burhyte	Goldberg	Lupton	Parker J S	Voss
Callan	Goodspeed	MacGregor	Partridge	Waddell
Caughlan	Graubard	Manley	Perkins	Walters
Cheney	Gray	Marks	Phillips C W	Ward
Clarke	Green	Marlatt	Phillips J S	Waters
Colné	Gunderman	Martin	Reed	Weaver
Conklin	Hackett	McCue	Robinson	Weber
Costello	Haines	McElligott	Rozan	Wende
Cuvillier	Hammond	McFarlane	Sanner	White E H
De Groot	Hamm	McGrath	Sargent	White L H
Donnelly	Hawley	McInerney	Schmidt	Whitley
Draper	Hemenway	McLaughlin	Scott	Whitney
Duell	Hoey	Mead	Shea	Williams
Eagleton	Howard	Merritt	Smith A E	Wood
Edwards	Klein	Millen	Smith C	Yale
Evans	Lachman	Miller J L	Smith F L	Young E
Farrar	Lanahan	Miller W G	Spielberg	Young F L
Fay				

Ordered, That the Clerk engross said bill and deliver the same to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 703) entitled "An act to amend the Railroad Law, in relation to consolidation of corporations owning continuous lines." (Int. No. 658.)

Said bill having been announced, Mr. J. S. Parker moved to amend as follows:

Page 3, line 20, strike out the words "rights and interests" and insert instead the word "property".

Page 3, line 26, and page 4, line 1, strike out the words "rights or interests" and insert in place thereof the word "property".

Page 4, line 12, strike out the words "rights or interests" and insert instead thereof the word "property".

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Ordered, That said bill be reprinted and restored to the special order on second and third reading.



Mr. Speaker announced the special order, being the bill (No. 2280) entitled "An act to amend the Education Law, in relation to teachers' training classes and training schools." (Int. No. 1708.)

On motion of Mr. Perkins, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 131

NOES 00

Those who voted in the affirmative were:

Allen	Filley	Lansing	Murphy C F	Staley
Barden	Foley	Lazarus	Murphy F J	Stein
Bates	Fowler	Lee	Murray	Stern
Baumes	Francis	Leffingwell	Neupert	Sullivan
Bennett	Frisbie	Levy A J	Nolan	Surpless
Boshart	Garbe	Levy J	Odell	Thompson
Brady	Geoghegan	Lewis	Oliver	Thorn
Brown C F	Gillen	Lowe	O'Neil	Toombs
Brown G W	Glore	Lowman	Parker F B	Travis
Burhyte	Goldberg	Lupton	Parker J S	Voss
Callan	Goodspeed	MacGregor	Partridge	Waddell
Caughlan	Graubard	Manley	Perkins	Walters
Cheney	Gray	Marks	Phillips C W	Ward
Clarke	Green	Marlatt	Phillips J S	Waters
Colné	Gunderman	Martin	Reed	Weaver
Conklin	Hackett	McCue	Robinson	Weber
Costello	Haines	McElligott	Rozan	Wende
Cuvillier	Hammond	McFarlane	Sanner	White E H
De Groot	Hamn	McGrath	Sargent	White L H
Donnelly	Hawley	McInerney	Schmidt	Whitley
Draper	Hemenway	McLaughlin	Scott	Whitney
Duell	Hoy	Mead	Shea	Williams
Eagleton	Howard	Merritt	Smith A E	Wood
Edwards	Klein	Millen	Smith C	Yale
Evans	Lachman	Miller J L	Smith F L	Young E
Farrar	Lanahan	Miller W G	Spielberg	Young F L
Fay				

Ordered, That the Clerk engross said bill and deliver the same to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 1973) entitled "An act to provide for an additional justice of the

Supreme Court in and for the fifth judicial district." (Int. No. 1542.)

On motion of Mr. F. L. Smith, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 131

NOES 00

Those who voted in the affirmative were:

Allen	Filley	Lansing	Murphy C F	Staley
Barden	Foley	Lazarus	Murphy F J	Stein
Bates	Fowler	Lee	Murray	Stern
Baumes	Francis	Leffingwell	Neupert	Sullivan
Bennett	Frisbie	Levy A J	Nolan	Surpless
Boshart	Garbe	Levy J	Odell	Thompson
Brady	Geoghegan	Lewis	Oliver	Thorn
Brown C F	Gillen	Lowe	O'Neil	Toombs
Brown G W	Glore	Lowman	Parker F B	Travis
Burhyte	Goldberg	Lupton	Parker J S	Voss
Callan	Goodspeed	MacGregor	Partridge	Waddell
Caughlan	Graubard	Manley	Perkins	Walters
Cheney	Gray	Marks	Phillips C W	Ward
Clarke	Green	Marlatt	Phillips J S	Waters
Colné	Gunderman	Martin	Reed	Weaver
Conklin	Hackett	McCue	Robinson	Weber
Costello	Haines	McElligott	Rozan	Wende
Cuvillier	Hammond	McFarlane	Sanner	White E H
De Groot	Hamn	McGrath	Sargent	White L H
Donnelly	Hawley	McInerney	Schmidt	Whitley
Draper	Hemenway	McLaughlin	Scott	Whitney
Duell	Hoey	Mead	Shea	Williams
Eagleton	Howard	Merritt	Smith A E	Wood
Edwards	Klein	Millen	Smith C	Yale
Evans	Lachman	Miller J L	Smith F L	Young E
Farrar	Lanahan	Miller W G	Spielberg	Young F L
Fay				

Ordered, That the Clerk engross said bill and deliver the same to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 2230) entitled "An act to amend chapter forty-seven of the Laws of nineteen hundred and nine, entitled 'An act relating to prisons, constituting chapter forty-three of the Consolidated Laws,' relative

to making the definite terms of a certain class of prisoners indeterminate terms." (Int. No. 1679.)

Said bill having been announced, Mr. Thorn moved to amend as follows:

On page 1, line 5, after the number "211" insert "Prisoners subject to parole."

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Ordered, That said bill be reprinted and restored to the special order on second and third reading.

Mr. Speaker announced the special order, being the bill (No. 1778) entitled "An act to amend section eighty-eight of article two of chapter twenty-eight of the Consolidated Laws, as to the surrender value of certain life insurance policies." (Int. No. 1429.)

On motion of Mr. Weber, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 131

NOES 00

Those who voted in the affirmative were:

Allen	Filley	Lansing	Murphy C F	Staley
Barden	Foley	Lazarus	Murphy F J	Stein
Bates	Fowler	Lee	Murray	Stern
Baumes	Francis	Leffingwell	Neupert	Sullivan
Bennett	Frisbie	Levy A J	Nolan	Surpless
Boshart	Garbe	Levy J	Odell	Thompson
Brady	Geoghegan	Lewis	Oliver	Thorn
Brown C F	Gillen	Lowe	O'Neil	Toombs
Brown G W	Glore	Lowman	Parker F B	Travis
Burhyte	Goldberg	Lupton	Parker J S	Voss
Callan	Goodspeed	MacGregor	Partridge	Waddell
Caughlan	Graubard	Manley	Perkins	Walters
Cheney	Gray	Marks	Phillips C W	Ward
Clarke	Green	Marlatt	Phillips J S	Waters
Colné	Gunderman	Martin	Reed	Weaver



Conklin	Hackett	McCue	Robinson	Weber
Costello	Haines	McElligott	Rozan	Wende
Cuvilier	Hammond	McFarlane	Sanner	White E H
De Groot	Hamn	McGrath	Sargent	White L H
Donnelly	Hawley	McInerney	Schmidt	Whitley
Draper	Hemenway	McLaughlin	Scott	Whitney
Duell	Hoey	Mead	Shea	Williams
Eagleton	Howard	Merritt	Smith A E	Wood
Edwards	Klein	Millen	Smith C	Yale
Evans	Lachman	Miller J L	Smith F L	Young E
Farrar	Lanahan	Miller W G	Spielberg	Young F L
Fay				

Ordered, That the Clerk engross said bill and deliver the same to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 2092) entitled "An act to amend the Agricultural Law, entitled 'An act in relation to agriculture, constituting chapter one of the Consolidated Laws,' in relation to dogs and domestic animals killed or damaged by dogs." (Int. No. 1594.)

Said bill having been announced for a second reading,

On motion of Mr. Lowe, said bill was laid aside, retaining its place on the order of second reading.

Mr. Speaker announced the special order, being the bill (No. 1672) entitled "An act to amend the Agricultural Law, entitled 'An act in relation to agriculture, constituting chapter one of the Consolidated Laws,' in relation to samples of milk that have been tested at butter and cheese factories and to licenses to be issued by the Commissioner of Agriculture." (Int. No. 1276.)

On motion of Mr. Gray, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 131

NOES 1

Those who voted in the affirmative were:

Allen	Filley	Lanahan	Miller W G	Staley
Barder	Foley	Lansing	Murphy C F	Stein
Bates	Fowler	Lazarus	Murphy F J	Stern
Baumes	Francis	Lee	Murray	Sullivan

Bennett	Frisbie	Leffingwell	Neupert	Surpless
Boshart	Garbe	Levy A J	Nolan	Thompson
Brady	Geoghegan	Levy J	Odell	Thorn
Brown C F	Gillen	Lewis	Oliver	Toombs
Brown G W	Glore	Lowe	O'Neil	Travis
Burhyte	Goldberg	Lowman	Parker F B	Voss
Callan	Goodspeed	Lupton	Parker J S	Waddell
Caughlan	Graubard	MacGregor	Partridge	Walters
Cheney	Gray	Manley	Perkins	Ward
Clarke	Green	Marks	Phillips C W	Waters
Colné	Gunderman	Marlatt	Reed	Weaver
Conklin	Hackett	Martin	Robinson	Weber
Costello	Haines	McCue	Rozan	Wende
Cuvillier	Hammond	McElligott	Sanner	White E H
De Groot	Hamn	McFarlane	Sargent	White L H
Donnelly	Hawley	McGrath	Schmidt	Whitley
Draper	Hemenway	McInerney	Scott	Whitney
Duell	Herrick	McLaughlin	Shea	Williams
Eagleton	Hoey	Mead	Smith A E	Wood
Edwards	Howard	Merritt	Smith C	Yale
Evans	Klein	Millen	Smith F L	Young E
Farrar	Lachman	Miller J L	Spielberg	Young F L
Fay				

In the negative:

Phillips J S

Ordered, That the Clerk engross said bill and deliver the same to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the Senate bill (No. 1182) entitled "An act to amend section four of chapter one hundred and forty-seven of the Laws of nineteen hundred and three, entitled 'An act making provision for issuing bonds to the amount of not to exceed one hundred and one million dollars for the improvement of the Erie canal, the Oswego canal and the Champlain canal, and providing for a submission of the same to the people to be voted upon at the general election to be held in the year nineteen hundred and three,' as amended by chapter three hundred and sixty-five of the Laws of nineteen hundred and six, and chapter one hundred and ninety-six of the Laws of nineteen hundred and eight, relative to the full control by the State of the waters impounded, created and to be discharged as a result of the construction of any dam, mole, reservoir or other structure as part of the improved canal system." (Rec. No. 328.)

On motion of Mr. Colné, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 131

NOES 00

Those who voted in the affirmative were:

Allen	Fille	Lensing	Murphy C F	Staley
Barden	Foley	Lazarus	Murphy F J	Stein
Bates	Fowler	Lee	Murray	Stern
Baumes	Francis	Leffingwell	Neupert	Sullivan
Bennett	Frisbie	Levy A J	Nolan	Surpless
Boshart	Garbe	Levy J	Odell	Thompson
Brady	Geoghegan	Lewis	Oliver	Thorn
Brown C F	Gillen	Lowe	O'Neil	Toombs
Brown G W	Glore	Lowman	Parker F B	Travis
Burhyte	Goldberg	Lupton	Parker J S	Voss
Callan	Goodspeed	MacGregor	Partridge	Waddell
Caughlan	Graubard	Manley	Perkins	Walters
Cheney	Gray	Marks	Phillips C W	Ward
Clarke	Green	Marlatt	Phillips J S	Waters
Colné	Gundernan	Martin	Reed	Weaver
Conklin	Hackett	McCue	Robinson	Weber
Costello	Haines	McElligott	Rozan	Wende
Cuvillier	Hammond	McFarlane	Sanner	White E H
De Groot	Hamn	McGrath	Sargent	White L H
Donnelly	Hawley	McInerney	Schmidt	Whitley
Draper	Hemenway	McLaughlin	Scott	Whitney
Duell	Hoey	Mead	Shea	Williams
Eagleton	Howard	Merritt	Smith A E	Wood
Edwards	Klein	Millen	Smith C	Yale
Evans	Lachman	Miller J L	Smith F L	Young E
Farrar	Laohan	Miller W G	Spielberg	Young F L
Fay				

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1917) entitled "An act making appropriations for the State charitable institutions, the New York State School for the Blind, the Elmira Reformatory, and the Eastern New York Reformatory at Napanoch." (Rec. No. 194.)

On motion of Mr. Merritt, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.



Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 132

NOES 00

Those who voted in the affirmative were

Allen	Fellows	Lansing	Murphy C F	Staley
Barden	Filley	Lazarus	Murphy E J	Stein
Bates	Foley	Lee	Murray	Stern
Baumes	Fowler	Leffingwell	Neupert	Sullivan
Bennett	Francis	Levy A J	Nolan	Surpless
Boshart	Frisbie	Levy J	Odell	Thompson
Brady	Glore	Lewis	Oliver	Thorn
Brown C F	Geoghegan	Lowe	O'Neil	Toombs
Bown G W	Gillen	Lowman	Parker F B	Travis
Burhyte	Glore	Lupton	Parker J S	Voss
Callan	Goldberg	MacGregor	Partridge	Waddell
Caughlan	Goodspeed	Manley	Perkins	Walters
Cheney	Graubard	Marks	Phillips C W	Ward
Clarke	Gray	Marlatt	Phillips J S	Waters
Colné	Green	Martin	Reed	Weaver
Conklin	Gunderman	McCue	Robinson	Weber
Costello	Hackett	McElligott	Rozan	Wende
Cuvillier	Haines	McFarlane	Sanner	White E H
De Groot	Hammond	McGrath	Sargent	White L H
Donnelly	Hamn	McInerney	Schmidt	Whitley
Draper	Hawley	McLaughlin	Scott	Whitney
Duell	Hemenway	Mead	Shea	Williams
Eagleton	Hoey	Merritt	Smith A E	Wood
Edwards	Howard	Millen	Smith C	Yale
Evans	Klein	Miller J L	Smith F L	Young E
Farrar	Lachman	Miller W G	Spielberg	Young F L
Fay	Lanahan			

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1018) entitled "An act to provide for the management of the Eastern New York State Custodial Asylum, to be known hereafter as the 'Letchworth Village,' and for the admission and control of inmates therein." (Rec. No. 192.)

On motion of Mr. Merritt, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 131

NOES 00

Those who voted in the affirmative were:

Allen	Fille	Lansing	Murphy C F	Staley
Barden	Foley	Lazarus	Murphy F J	Stein
Bates	Fowler	Lee	Murray	Stern
Baumes	Francis	Leffingwell	Neupert	Sullivan
Bennett	Frisbie	Levy A J	Nolan	Surpless
Boshart	Garbe	Levy J	Odell	Thompson
Brady	Geoghegan	Lewis	Oliver	Thorn
Brown C F	Gillen	Lowe	O'Neil	Toombs
Brown G W	Glore	Lowman	Parker F B	Travis
Burhyte	Goldberg	Lupton	Parker J S	Voss
Callan	Goodspeed	MacGregor	Partridge	Waddell
Caughlan	Graubard	Manley	Perkins	Walters
Cheney	Gray	Marks	Phillips C W	Ward
Clarke	Green	Marlatt	Phillips J S	Waters
Colné	Gunderman	Martin	Reed	Weaver
Conklin	Hackett	McCue	Robinson	Weber
Costello	Haines	McElligott	Rozan	Wende
Cuvillier	Hammond	McFarlane	Sanner	White E H
De Groot	Hamn	McGrath	Sargent	White L H
Donnelly	Hawley	McInerney	Schmidt	Whitley
Draper	Hemenway	McLaughlin	Scott	Whitney
Duell	Hoe	Mead	Shea	Williams
Eagleton	Howard	Merritt	Smith A E	Wood
Edwards	Klein	Millen	Smith C	Yale
Evans	Lachman	Miller J L	Smith F L	Young E
Farrar	Lanahan	Miller W G	Spielberg	Young F L
Fay				

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 995) entitled "An act to amend chapter five hundred and eighty of the Laws of nineteen hundred and two, entitled 'An act in relation to the Municipal Court of the city of New York, its officers and marshals.'" (Rec. No. 168.)

On motion of Mr. Burlingame, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 131

NOES 00

Those who voted in the affirmative were:

Allen	Filley	Lansing	Murphy C F	Staley
Barden	Foley	Lazarus	Murphy F J	Stein
Bates	Fowler	Lee	Murray	Stern
Baumes	Francis	Leffingwell	Neupert	Sullivan
Bennett	Frisbie	Levy A J	Nolan	Surpless
Boshart	Garbe	Levy J	Odell	Thompson
Brady	Geoghegan	Lewis	Oliver	Thorn
Brown C F	Gillen	Lowe	O'Neil	Toombs
Brown G W	Glore	Lowman	Parker F B	Travis
Burhyte	Goldberg	Lupton	Parker J S	Voss
Callan	Goodspeed	MacGregor	Partridge	Waddell
Caughlan	Graubard	Manley	Perkins	Walters
Cheney	Gray	Marks	Phillips C W	Ward
Clarke	Green	Marlatt	Phillips J S	Waters
Colné	Gunderman	Martin	Reed	Weaver
Conklin	Hackett	McCue	Robinson	Weber
Costello	Haines	McElligott	Rozan	Wende
Cuvillier	Hammond	McFarlane	Sanner	White E F
De Groot	Hamn	McGrath	Sargent	White L H
Donnelly	Hawley	McInerney	Schmidt	Whitley
Draper	Hemenway	McLaughlin	Scott	Whitney
Duell	Hoev	Mead	Shea	Williams
Eagleton	Howard	Merritt	Smith A E	Wood
Edwards	Klein	Millen	Smith C	Yale
Evans	Lachman	Miller J L	Smith F L	Young E
Farrar	Lanahan	Miller W G	Spielberg	Young F L
Fay				

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1289) entitled "An act to legalize the bonds of the village of Canajoharie, New York, issued and to be issued for the following purposes, namely: Defraying the expense of establishing a system of waterworks in and for said village and supplying its inhabitants with water, defraying the expense of paving and curbing Church street in said village and providing said street with a storm sewer, defraying the expense of constructing a fifteen-duct conduit in said village for the purpose of providing underground accommodations for public service wires and cables, and to legalize all proceedings of the board of trustees of said village in relation and



subsequent thereto, and to provide for the principal and interest of said bonds, and to legalize all proceedings of the board of trustees in relation thereto, including the several resolutions submitted to the qualified electors of said village at special elections held on the thirtieth day of June, nineteen hundred and eight, on the twenty-eighth day of August, nineteen hundred and eight, on the tenth day of October, nineteen hundred and eight, and on the thirtieth day of January, nineteen hundred and nine, and legalizing the vote on each and all of said propositions submitted at the said special elections as aforesaid." (Rec. No. 245.)

On motion of Mr. Staley, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 131

NOES 00

Those who voted in the affirmative were:

Allen	Fille	Lansing	Murphy C F	Staley
Barden	Foley	Lazarus	Murphy F J	Stein
Bates	Fowler	Lee	Murray	Stern
Baumes	Francis	Leffingwell	Neupert	Sullivan
Bennett	Frisbie	Levy A J	Nolan	Surpless
Boshart	Garbe	Levy J	Odell	Thompson
Brady	Geoghegan	Lewis	Oliver	Thorn
Brown C F	Gillen	Lowe	O'Neil	Toombs
Brown G W	Glore	Lowman	Parker F B	Travis
Burhyte	Goldberg	Lupton	Parker J S	Voss
Callan	Goodspeed	MacGregor	Partridge	Waddell
Caughlan	Graubard	Manley	Perkins	Walters
Cheney	Gray	Marks	Phillips C W	Ward
Clarke	Green	Marlatt	Phillips J S	Waters
Colné	Gunderman	Martin	Reed	Weaver
Conklin	Hackett	McCue	Robinson	Weber
Costello	Haines	McElligott	Rozan	Wende
Cuvillier	Hammond	McFarlane	Sanner	White E H
De Groot	Hamn	McGrath	Sargent	White L H
Donnelly	Hawley	McInerney	Schmidt	Whitley
Draper	Hemenway	McLaughlin	Scott	Whitney
Duell	Hoey	Mead	Shea	Williams
Eagleton	Howard	Merritt	Smith A E	Wood
Edwards	Klein	Millen	Smith C	Yale
Evans	Lachman	Miller J L	Smith F L	Young E
Farrar	Lanahan	Miller W G	Spielberg	Young F L
Fay				

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 987) entitled "An act to amend the Insurance Law, in relation to the admission of minors as members of fraternal beneficiary societies, orders or associations." (Rec. No. 235.)

Said bill having been announced, Mr. Waters moved to amend as follows:

Page 1, line 9, strike out "sixteen" and insert "eighteen".

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Ordered, That said bill be reprinted and restored to the special order of second and third reading.

Mr. Speaker announced the special order, being the Senate bill (No. 1100) entitled "An act to amend the Religious Corporations Law, in relation to property of extinct churches." (Rec. No. 213.)

On motion of Mr. MacGregor, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 131

NOES 00

Those who voted in the affirmative were:

Allen	Filley	Lansing	Murphy C F	Staley
Barden	Foley	Lazarus	Murphy F J	Stein
Bates	Fowler	Lee	Murray	Stern
Baumes	Francis	Leffingwell	Neupert	Sullivan
Bennett	Frisbie	Levy A J	Nolan	Surpluss
Boshart	Garbe	Levy J	Odell	Thompson
Brady	Geoghegan	Lewis	Oliver	Thorn
Brown C F	Gillen	Lowe	O'Neil	Toombs
Brown G W	Glore	Lowman	Parker F B	Travis
Burhyte	Goldberg	Lupton	Parker J S	Voss
Callan	Goodspeed	MacGregor	Partridge	Waddell

Caughlan	Graubard	Manley	Perkins	Walters
Cheney	Gray	Marks	Phillips C W	Ward
Clarke	Green	Marlatt	Phillips J S	Waters
Colné	Gunderman	Martin	Reed	Weaver
Conklin	Hackett	McCue	Robinson	Weber
Costello	Haines	McElligott	Rozan	Wende
Cuvillier	Hammond	McFarlane	Sanner	White E H
De Groot	Hamn	McGrath	Sargent	White L H
Donnelly	Hawley	McInerney	Schmidt	Whitley
Draper	Hemenway	McLaughlin	Scott	Whitney
Duell	Hoey	Mead	Shea	Williams
Eagleton	Howard	Merritt	Smith A E	Wood
Edwards	Klein	Millen	Smith C	Yale
Evans	Lachman	Miller J L	Smith F L	Young E
Farrar	Lanahan	Miller W G	Spielberg	Young F L
Fay				

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 667) entitled "An act to amend the Code of Civil Procedure, relating to the application for ancillary letters." (Rec. No. 87.)

On motion of Mr. Fay, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 131

NOES 00

Those who voted in the affirmative were:

Allen	Fillee	Lansing	Murphy C F	Staley
Barden	Foley	Lazarus	Murphy F J	Stein
Bates	Fowler	Lee	Murray	Stern
Baumes	Francis	Leffingwell	Neupert	Sullivan
Bennett	Frisbie	Levy A J	Nolan	Surpless
Boshart	Garbe	Levy J	Odell	Thompson
Brady	Geoghegan	Lewis	Oliver	Thorn
Brown C F	Gillen	Lowe	O'Neil	Toombs
Brown G W	Glore	Lowman	Parker F B	Travis
Burhyte	Goldberg	Lupton	Parker J S	Voss
Callar	Goodspeed	MacGregor	Partridge	Waddell
Caughlan	Graubard	Manley	Perkins	Walters
Cheney	Gray	Marks	Phillips C W	Ward
Clarke	Green	Marlatt	Phillips J S	Waters
Colné	Gunderman	Martin	Reed	Weaver



Conklin	Hackett	McCue	Robinson	Weber
Costello	Haines	McElligott	Rozan	Wende
Cuvillier	Hammond	McFarlane	Sanner	White E H
De Groot	Hamm	McGrath	Sargent	White L H
Donnelly	Hawley	McInerney	Schmidt	Whitley
Draper	Hemenway	McLaughlin	Scott	Whitney
Duell	Hoey	Mead	Shea	Williams
Eagleton	Howard	Merritt	Smith A E	Wood
Edwards	Klein	Millen	Smith C	Yale
Evans	Lachman	Miller J L	Smith F L	Young E
Farrar	Lanahan	Miller W G	Spielberg	Young F L
Fay				

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1056) entitled "An act to amend section fifty-seven of the Stock Corporations Law, entitled 'An act in relation to stock corporations,' as amended by chapter seven hundred and sixty of the Laws of nineteen hundred, entitled 'An act to amend section fifty-seven of the Stock Corporations Law, in relation to the voluntary dissolution of corporations,' relative to notice of dissolution to stockholders." (Rec. No. 199.)

On motion of Mr. Fay, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the negative, a majority of all the members elected to the Assembly not voting in favor thereof, and three-fifths being present.

AYES 44

NOES 61

Those who voted in the affirmative were:

Brown G W	Frisbie	Klein	Murphy C F	Schutta
Caughlan	Geoghegan	Lanahan	Murray	Sheridan
Clarke	Gillen	Leffingwell	Neupert	Smith A E
Cuvillier	Glore	Levy A J	Oliver	Stein
Donnelly	Graubard	Manley	O'Neil	Stern
Eagleton	Hackett	McCue	Parker J S	Weber
Evans	Herrick	McGrath	Rozan	Wende
Fay	Hoey	McKeon	Sanner	Yale
Foley	Jordan	Merritt	Schmidt	

Those who voted in the negative were:

Allen	Francis	Lupton	Odell	Toombs
Barden	Hammond	Marks	Perkins	Travis
Bates	Hamm	Marlatt	Phillips C W	Waddell
Bennett	Hawley	Martin	Phillips J S	Walters
Bohan	Hemenway	McElligott	Reed	Ward
Callan	Howard	McFarlane	Scott	Waters
Cheney	Lansing	McInerney	Silbermann	White E H
Colné	Lazarus	Mead	Smith C	Whitney
Conklin	Levy J	Millen	Sullivan	Williams
Duell	Lewis	Miller J L	Surpless	Wood
Edwards	Lowe	Murphy F J	Thompson	Young E
Farrar	Lowman	Nolan	Thorn	Young F L
Filley				

Mr. Frisbie moved to reconsider the vote by which said bill was lost, and that said motion lie on the table.

Mr. Speaker put the question whether the House would agree to said motion, and it was decided in the affirmative.

Mr. Speaker announced the special order, being the Senate bill (No. 1080) entitled "An act to amend the Code of Civil Procedure, relative to pleadings in civil actions." (Rec. No. 215.)

On motion of Mr. Conklin, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 131

NOES 00

Those who voted in the affirmative were:

Allen	Filley	Lansing	Murphy C F	Staley
Barden	Foley	Lazarus	Murphy F J	Stein
Bates	Fowler	Lee	Murray	Stern
Baumes	Francis	Leffingwell	Neupert	Sullivan
Bennett	Frisbie	Levy A J	Nolan	Surpless
Boshart	Garbe	Levy J	Odell	Thompson
Brady	Geoghegan	Lewis	Oliver	Thorn
Brown C F	Gillen	Lowe	O'Neil	Toombs
Brown G W	Glore	Lowman	Parker F B	Travis
Burhyte	Goldberg	Lupton	Parker J S	Voss
Callan	Goodspeed	MacGregor	Partridge	Waddell
Caughlan	Graubard	Manley	Perkins	Walters
Cheney	Gray	Marks	Phillips C W	Ward
Clarke	Green	Marlatt	Phillips J S	Waters
Colné	Gunderman	Martin	Reed	Weaver

Conklin	Hackett	McCue	Robinson	Weber
Costello	Haines	McElligott	Rozan	Wende
Cuvillier	Hammond	McFarlane	Sanner	White E H
De Groot	Hamn	McGrath	Sargent	White L H
Donnelly	Hawley	McInerney	Schmidt	Whitley
Draper	Hemenway	McLaughlin	Scott	Whitney
Duel	Hoey	Mead	Shea	Williams
Eagleton	Howard	Merritt	Smith A E	Wood
Edwards	Klein	Millen	Smith C	Yale
Evans	Lechman	Miller J L	Smith F L	Young E
Farrar	Lanahan	Miller W G	Spielberg	Young F L
Fay				

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 800) entitled "An act to amend the Greater New York charter, relative to the powers of the commissioners of the sinking fund of the city of New York, in their discretion, to cancel and annul taxes, assessments, Croton water rents, et cetera, in certain cases." (Rec. No. 187.)

Said bill having been announced for a second reading,

On motion of Mr. Hoey, and by unanimous consent, said bill was ordered placed on the second and third reading calendar for Monday next.

Mr. Speaker announced the special order, being the Senate bill (No. 640) entitled "An act to amend 'An act in relation to legislation, constituting chapter thirty-two of the Consolidated Laws,' in regard to the publication of laws passed by the Legislature, in four newspapers in the county of New York." (Rec. No. 259.)

On motion of Mr. Robinson, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.



AYES 131

NOES 00

Those who voted in the affirmative were:

Allen	Filley	Lansing	Murphy C F	Staley
Barden	Foley	Lazarus	Murphy F J	Stein
Bates	Fowler	Lee	Murray	Stern
Baumes	Francis	Leffingwell	Neupert	Sullivan
Bennett	Frisbie	Levy A J	Nolan	Surpless
Boshart	Garbe	Levy J	Odell	Thompson
Brady	Geoghegan	Lewis	Oliver	Thorn
Brown C F	Gillen	Lowe	O'Neil	Toombs
Brown G W	Glore	Lowman	Parker F B	Travis
Burhyte	Goldberg	Lupton	Parker J S	Voss
Callan	Goodspeed	MacGregor	Partridge	Waddell
Caughlan	Graubard	Manley	Perkins	Walters
Cheney	Gray	Marks	Phillips C W	Ward
Clarke	Green	Marlatt	Phillips J S	Waters
Colné	Gunderman	Martin	Reed	Weaver
Conklin	Hackett	McCue	Robinson	Weber
Costello	Haines	McElligott	Rozan	Wende
Cuvillier	Hammond	McFarlane	Sanner	White E H
De Groot	Hamn	McGrath	Sargent	White L H
Donnelly	Hawley	McInerney	Schmidt	Whitley
Draper	Hemenway	McLaughlin	Scott	Whitney
Duell	Hoey	Mead	Shea	Williams
Eagleton	Howard	Merritt	Smith A E	Wood
Edwards	Klein	Millen	Smith C	Yale
Evans	Lachman	Miller J L	Smith F L	Young E
Farrar	Lanahan	Miller W G	Spielberg	Young F L
Fay				

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

The bill (No. 1653) entitled "An act to fix the status of the Daily Record, a newspaper published in the city of Rochester, county of Monroe, as a newspaper within the meaning of the statutes of this State" (Int. No. 1364), having been announced for a third reading,

On motion of Mr. C. W. Phillips, said bill was laid aside, retaining its place on the order of third reading.

The bill (No. 2141) entitled "An act to amend the Election Law, in relation to the times and purposes of official primaries" (Int. No. 1076), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the

affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 131

NOES 00

Those who voted in the affirmative were:

Allen	Fillee	Lansing	Schmidt	Staley
Barden	Foley	Lazarus	Murphy C F	Stein
Bates	Fowler	Lee	Murphy F J	Stern
Baumes	Francis	Leffingwell	Murray	Sullivan
Bennett	Frisbie	Levy A J	Neupert	Surpless
Boshart	Garbe	Levy J	Nolan	Thompson
Brady	Geoghegan	Lewis	Odell	Thorn
Brown C F	Gillen	Lowe	Oliver	Toombs
Brown G W	Glore	Lowman	O'Neil	Travis
Burhyte	Goldberg	Lupton	Parker F B	Voss
Callan	Goodspeed	MacGregor	Parker J S	Waddell
Caughlan	Graubard	Manley	Partridge	Walters
Cheney	Gray	Marks	Perkins	Ward
Clarke	Green	Marlatt	Phillips C W	Waters
Colne	Gunderman	Martin	Phillips J S	Weaver
Conklin	Hackett	McCue	Reed	Weber
Costello	Haines	McElligott	Robinson	Wende
Cuvillier	Hammond	McFarlane	Rozan	White E H
De Groot	Hamn	McGrath	Sanner	White L H
Donnelly	Hawley	McLenerney	Sargent	Whitley
Draper	Hemenway	McLaughlin	Scott	Whitney
Duell	Hoey	Mead	Shea	Williams
Eagleton	Howard	Merritt	Smith A E	Wood
Edwards	Klein	Millen	Smith C	Yale
Evans	Lachman	Miller J L	Smith F L	Young E
Farrar	Lanahan	Miller W G	Spiegelberg	Young F L
Fay				

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 2268) entitled "An act to amend chapter three hundred and one of the Laws of nineteen hundred and three, entitled 'An act authorizing and empowering the park commissioner of the borough of the Bronx, New York city, in his discretion, to lease certain lands in McCombs Dam park to any athletic or boat club or association for the establishment of a public recreation ground for outdoor athletics, et cetera,' in relation to leases in Pelham Bay park" (Int. No. 82), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 131

NOES 00

Those who voted in the affirmative were:

Allen	Filley	Lansing	Murphy C F	Staley
Barden	Foley	Lazarus	Murphy F J	Stein
Bates	Fowler	Lee	Murray	Stern
Baumes	Francis	Leffingwell	Neupert	Sullivan
Bennett	Frisbie	Levy A J	Nolan	Surpless
Boshart	Garbe	Levy J	Odell	Thompson
Brady	Geoghegan	Lewis	Oliver	Thorn
Brown C F	Gillen	Lowe	O'Neil	Toombs
Brown G W	Glore	Lowman	Parker F B	Travis
Burhyte	Goldberg	Lupton	Parker J S	Voss
Callan	Goodspeed	MacGregor	Partridge	Waddell
Caughlan	Graubard	Manley	Perkins	Walters
Cheney	Gray	Marks	Phillips C W	Ward
Clarke	Green	Marlatt	Phillips J S	Waters
Colné	Gunderman	Martin	Reed	Weaver
Conklin	Hackett	McCue	Robinson	Weber
Costello	Haines	McElligott	Rozan	Wende
Cuvillier	Hammond	McFarlane	Sanner	White E H
De Groot	Hamn	McGrath	Sargent	White L H
Donnelly	Hawley	McInerney	Schmidt	Whitley
Draper	Hemenway	McLaughlin	Scott	Whitney
Duell	Hoey	Mead	Shea	Williams
Eagleton	Howard	Merritt	Smith A E	Wood
Edwards	Klein	Millen	Smith C	Yale
Evans	Lachman	Miller J L	Smith F L	Young E
Farrar	Lanahan	Miller W G	Spielberg	Young F L
Fay				

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have reconsidered their vote on the final passage of said bill, and, as amended, have again passed the same and request the concurrence of the Senate therein.

The bill (No. 2175) entitled 'An act to amend chapter six hundred and fifty of the Laws of nineteen hundred and four, entitled 'An act to revise the charter of the city of Rome,' relative to salary of aldermen' (Int. No. 923), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.



AYES 131

NOES 00

Those who voted in the affirmative were:

Allen	Filley	Lansing	Murphy C F	Staley
Barden	Foley	Lazarus	Murphy F J	Stein
Bates	Fowler	Lee	Murray	Stern
Baumes	Francis	Leffingwell	Neupert	Sullivan
Bennett	Frisbie	Levy A J	Nolan	Surpless
Boshart	Garbe	Levy J	Odell	Thompson
Brady	Geoghegan	Lewis	Oliver	Thorn
Brown C F	Gillen	Lowe	O'Neil	Toombs
Brown G W	Glore	Lowman	Parker F B	Travis
Burhyte	Goldberg	Lupton	Parker J S	Voss
Callan	Goodspeed	MacGregor	Partridge	Waddell
Caughlan	Graubard	Manley	Perkins	Walters
Cheney	Gray	Marks	Phillips C W	Ward
Clarke	Green	Marlatt	Phillips J S	Waters
Colné	Gunderman	Martin	Reed	Weaver
Conklin	Hackett	McCue	Robinson	Weber
Costello	Haines	McElligott	Rozan	Wende
Cuvillier	Hammond	McFarlane	Sanner	White E H
De Groot	Hamn	McGrath	Sargent	White L H
Donnelly	Hawley	McInerney	Schmidt	Whitley
Draper	Hemenway	McLaughlin	Scott	Whitney
Duell	Hoey	Mead	Shea	Williams
Eagleton	Howard	Merritt	Smith A E	Wood
Edwards	Klein	Millen	Smith C	Yale
Evans	Lachman	Miller J L	Smith F L	Young E
Farrar	Lanahan	Miller W G	Spielberg	Young F L
Fay				

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 2298) entitled "An act to amend chapter seven hundred and twenty-four of the Laws of nineteen hundred and five, entitled 'An act to provide for an additional supply of pure and wholesome water for the city of New York; and for the acquisition of lands or interest therein, and for the construction of necessary reservoirs, dams, aqueducts, filters and other appurtenances for that purpose; and for the appointment of a commission with the powers and duties necessary and proper to attain these objects,' in relation to reorganizing such commission, abolishing the offices of the present members, regulating the powers and duties of the various boards and officers of said city in respect to the water supply" (Int. No. 1407), was read the second time.

On motion of Mr. Bates, said bill was placed on the order of third reading and referred to the committee on revision.

The Senate returned the Assembly bill (No. 1682, Senate reprint No. 1409, Int. No. 926) entitled "An act to consolidate and

revise the several acts relative to the city of Dunkirk," with a message that they have concurred in the passage of the same, with the following amendments:

Page 111, line 22, strike out the word "lighting" and insert "light, heat and power".

Page 112, line 9, after the word "heat" insert ", power".

Page 112, line 12, strike out the word "lighting" and insert "light, heat and power".

Page 113, line 20, strike out the word "or" and insert ":", and insert after the word "heating" the words "or power".

Page 113, line 22, insert after the word "electricity" the words "or power".

Page 114, line 8, after the word "light" insert ", heat and power".

Page 114, line 12, strike out the word "lighting" and insert "light, heat and power".

Mr. Sullivan moved to concur in the Senate amendments.

Mr. Speaker put the question whether the House would concur in said amendments, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 131

NOES 00

Those who voted in the affirmative were:

Allen	Filley	Lansing	Murphy C F	Staley
Barden	Foley	Lazarus	Murphy F J	Stein
Bates	Fowler	Lee	Murray	Stern
Baumes	Francis	Leffingwell	Neupert	Sullivan
Bennett	Frisbie	Levy A J	Nolan	Surpless
Boshart	Garbe	Levy J	Odell	Thompson
Brady	Geoghegan	Lewis	Oliver	Thorn
Brown C F	Gillen	Lowe	O'Neil	Toombs
Brown G W	Glore	Lowman	Parker F B	Travis
Burhyte	Goldberg	Lupton	Parker J N	Voss
Callan	Goodspeed	MacGregor	Partridge	Waddell
Caughlan	Graubard	Manley	Perkins	Walters
Cheney	Gary	Marks	Phillips C W	Ward
Clarke	Green	Marlatt	Phillips J S	Waters
Colné	Gunderman	Martin	Reed	Weaver
Conklin	Hackett	McCue	Robinson	Weber
Costello	Haines	McElligott	Rozaan	Wende
Cuvillier	Hammond	McFarlane	Sanner	White E H
De Groot	Hamn	McGrath	Sargent	White L H
Donnelly	Hawley	McInerney	Schmidt	Whitley

Draper	Hemenway	McLaughlin	Scott	Whitney
Duell	Hoey	Mead	Shea	Williams
Eagleton	Howard	Merritt	Smith A E	Wood
Edwards	Klein	Millen	Smith C	Yale
Evans	Lachman	Miller J L	Smith F L	Young E
Farrar	Lanahan	Miller W G	Spielberg	Young F L
Fay				

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendments of the Senate thereto.

The Senate returned the Assembly bill (No. 1730, Senate reprint No. 1334, Int. No. 1065) entitled "An act to amend chapter twenty-six of the Laws of eighteen hundred and eighty-five, entitled 'An act to revise, amend and consolidate the several acts in relation to the city of Syracuse, and to revise and amend the charter of said city,' " with a message that they have concurred in the passage of the same, with the following amendments:

On page 3, line 9, before "northwesterly" insert "southeasterly line of Court street; thence northeasterly along said southeasterly line of Court street to a prolongation of the northeasterly line of subdivision twenty-two of Military Lot twenty-seven, Manlius (now Salina); thence northwesterly along said prolongation and the northeasterly line of said subdivision to the northwesterly line of said subdivision; thence southwesterly along said northwesterly line of said subdivision and the northwesterly lines of subdivisions twenty-one, twenty and nineteen to said reservation line; thence northwesterly along said reservation line to the".

On page 7, line 1, after "subdivisions" insert "one,".

On page 7, after line 14, insert: "Subdivision 1. First ward.—All that part of said city bounded as follows: [Beginning in the northeasterly line of said city at its intersection with the center line of Court street and running thence southwesterly along the center line of said street to the center of the Oswego canal;] Beginning at the intersection of the northeasterly line of the Onondaga salt springs reservation with the southeasterly line of Court street; thence northwesterly to the center line of Court street; thence southwesterly along the center line of said street to the center of the Oswego canal; thence southeasterly along the center line of said canal to a point in range with the southeasterly line of marsh lot number thirty-four; thence southwesterly to and along said line of marsh lot number thirty-four to the center of Onondaga creek; thence down along the center of the present channel of said creek and the same prolonged into Onondaga lake to the northwesterly line of the city; thence northeasterly, [and] southeasterly, northeasterly, southeasterly and southwesterly along



said city line to the place of beginning, shall constitute the first ward."

Mr. Hammond moved to concur in the Senate amendments.

Mr. Speaker put the question whether the House would concur in said amendments, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 131

NOES 00

Those who voted in the affirmative were:

Allen	Filley	Lansing	Murphy C F	Staley
Barden	Foley	Lazarus	Murphy F J	Stein
Bates	Fowler	Lee	Murray	Stern
Baumes	Francis	Leffingwell	Neupert	Sullivan
Bennett	Frisbie	Levy A J	Nolan	Surpless
Boshart	Garbe	Levy J	Odell	Thompson
Brady	Geoghegan	Lewis	Oliver	Thorn
Brown C F	Gillen	Lowe	O'Neil	Toombs
Brown G W	Glore	Lowman	Parker F B	Travis
Burhyte	Goldberg	Lupton	Parker J S	Voss
Callan	Goodspeed	MacGregor	Partridge	Waddell
Caughlan	Graubard	Manley	Perkins	Walters
Cheney	Gray	Marks	Phillips C W	Ward
Clarke	Green	Marlatt	Phillips J S	Waters
Colré	Gunderman	Martin	Reed	Weaver
Conklin	Hackett	McCue	Robinson	Weber
Costello	Haines	McElligott	Rozan	Wende
Cuvillier	Hammond	McFarlane	Sanner	White E H
De Groot	Hamn	McGrath	Sargent	White L H
Donnelly	Hawley	McInerney	Schmidt	Whitley
Draper	Hemenway	McLaughlin	Scott	Whitney
Duell	Hoey	Mead	Shea	Williams
Eagleton	Howard	Merritt	Smith A E	Wood
Edwards	Klein	Millen	Smith C	Yale
Evans	Lachman	Miller J L	Smith F L	Young E
Farrar	Lanahan	Miller W G	Spielberg	Young F L
Fay				

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendments of the Senate thereto.

The Senate returned the Assembly bill (No. 1488, Senate reprint No. 1228, Int. No. 447), entitled "An act to amend the General Business Law, in relation to private detectives," with a message that they have concurred in the passage of the same, with the following amendments:

Page 9, line 24, after the word "profession" strike out balance of line and all of line 25.

Page 10, line 1, strike out the words "lors at law".

Mr. Robinson moved to concur in the Senate amendments.

Mr. Speaker put the question whether the House would concur in said amendments, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 130

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Lansing	Murphy C F	Staley
Barden	Filley	Lazarus	Murphy F J	Stein
Bates	Foley	Lee	Murray	Stern
Baumes	Fowler	Leffingwell	Neupert	Sullivan
Bennett	Francis	Levy A J	Nolan	Surplless
Boshart	Frisbie	Levy J	Odell	Thompson
Brady	Garbe	Lewis	Oliver	Thorn
Brown C F	Geoghegan	Lowe	O'Neil	Toombs
Brown G W	Gillen	Lowman	Parker F B	Travis
Burhyte	Glore	Lupton	Parker J S	Voss
Callan	Goldberg	MacGregor	Partridge	Waddell
Caughlan	Goodspeed	Manley	Perkins	Walters
Cheney	Graubard	Marks	Phillips C W	Ward
Clarke	Gray	Marlatt	Phillips J S	Waters
Colné	Green	Martin	Reed	Weaver
Conklin	Gunderman	McCue	Robinson	Weber
Costello	Hackett	McElligott	Rozan	Wende
Cuvillier	Haines	McFarlane	Sanner	White E H
De Groot	Hammond	McGrath	Sargent	White L H
Donnelly	Hamn	McInerney	Schmidt	Whitley
Draper	Hawley	McLaughlin	Scott	Whitney
Duell	Hemenway	Mead	Shca	Williams
Eagleton	Hoey	Merritt	Smith A E	Wood
Edwards	Howard	Millen	Smith C	Yale
Evans	Lachman	Miller J L	Smith F L	Young E
Farrar	Lanahan	Miller W G	Spielberg	Young F L

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendments of the Senate thereto.

The Senate returned the Assembly bill (No. 1733, Senate reprint No. 1333, Int. No. 745), entitled "An act providing for the construction of new buildings for the Oswego Normal and Training School and authorizing the sale of the site now occupied by

said school," with a message that they have concurred in the passage of the same, with the following amendments:

In the title insert the word "and" after the word "School," and line 3, in the title after the word "school", strike out balance of line and all of line 4, and insert ".".

Page 1, strike out lines 1 to 6, inclusive, and insert:

"Section 1. The Commissioner of Education is hereby authorized and empowered to execute all necessary contracts in behalf of the people of the State of New York for the construction of new buildings for the Oswego State Normal and Training School on the site purchased therefor in the city of Oswego in accordance with the provisions of chapter six hundred and eighty of the Laws of nineteen hundred and six at a cost not to exceed three hundred thousand dollars."

Page 2, strike out all down from line 1 to and including line 9.

Page 3, line 6, beginning at the word "All" strike out balance of line and all of line 7, down to and including line 13, and insert: "No liability shall be incurred beyond that authorized in section one of this act."

Mr. F. L. Smith moved to concur in the Senate amendments.

Mr. Speaker put the question whether the House would concur in said amendments, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 130

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Lansing	Murphy C F	Staley
Barden	Filley	Lazarus	Murphy F J	Stein
Bates	Foley	Lee	Murray	Stern
Baumes	Fowler	Leffingwell	Neupert	Sullivan
Bennett	Francis	Levy A J	Nolan	Surpless
Boshart	Frisbie	Levy J	Odell	Thompson
Brady	Garbe	Lewis	Oliver	Thorn
Brown C F	Geoghegan	Lowe	O'Neil	Toombs
Brown G W	Gillen	Lowman	Parker F B	Travis
Burhyte	Glore	Lupton	Parker J S	Voss
Callan	Goldberg	MacGregor	Partridge	Waddell
Caughlan	Goodspeed	Manley	Perkins	Walters
Cheney	Graubard	Marks	Phillips C W	Ward
Clarke	Gray	Marlatt	Phillips J S	Waters
Colné	Green	Martin	Reed	Weaver
Conklin	Gunderman	McCue	Robinson	Weber
Costello	Hackett	McElligott	Rozan	Wende



Cuvillier	Haines	McFarlane	Sanner	White E H
De Groot	Hammond	McGrath	Sargent	White L H
Donnelly	Hamm	McNerney	Schmidt	Whitley
Draper	Hawley	McLaughlin	Scott	Whitney
Duell	Hemenway	Mead	Shea	Williams
Eagleton	Hoey	Merritt	Smith A E	Wood
Edwards	Howard	Millen	Smith C	Yale
Evans	Lachman	Miller J L	Smith F L	Young E
Farrar	Lanahan	Miller W G	Spielberg	Young F L

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendments of the Senate thereto.

The Senate returned the Assembly bill (No. 1551, Senate re-print No. 1335, Int. No. 1312), entitled "An act to amend chapter seventy-five of the Laws of nineteen hundred and six, entitled 'An act to supplement the provisions of law relating to the department of assessment and taxation of the city of Syracuse,'" with a message that they have concurred in the passage of the same, with the following amendments:

Page 1, line 6, strike out the bracket.

Page 1, line 7, before the word "three" insert "[", and before the words "or assessment" the word "eight".

Page 1, line 8, strike out the "[".

Page 1, line 8, inclose the word "eighteen" in brackets, and after "eighteen" insert "nineteen" in italics.

Page 1, line 9, before the word "five" insert "six".

Mr. Hammond moved to concur in the Senate amendments.

Mr. Speaker put the question whether the House would concur in said amendments, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 130

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Lansing	Murphy C F	Staley
Barden	Filley	Lazarus	Murphy F J	Stein
Bates	Foley	Lee	Murray	Stern
Baumes	Fowler	Leffingwell	Neupert	Sullivan
Bennett	Francis	Levy A J	Nolan	Surpluss
Boshart	Frisbie	Levy J	Odell	Thompson
Brady	Garbe	Lewis	Oliver	Thorn

Brown C F	Geoghegan	Lowe	O'Neil	Toombs
Brown G W	Gillen	Lowman	Parker F B	Travis
Burhyte	Glore	Lupton	Parker J S	Voss
Callan	Goldberg	MacGregor	Partridge	Waddell
Caughlan	Goodspeed	Manley	Perkins	Walters
Cheney	Graubard	Marks	Phillips C W	Ward
Clarke	Gray	Marlatt	Phillips J S	Waters
Colné	Green	Martin	Reed	Weaver
Conklin	Gunderman	McCue	Robinson	Weber
Costello	Hackett	McElligott	Rozan	Wende
Cuvillier	Haines	McFarlane	Sanner	White E H
De Groot	Hammond	McGrath	Sargent	White L H
Donnelly	Hamm	McInerney	Schmidt	Whitley
Draper	Hawley	McLaughlin	Scott	Whitney
Duell	Hemenway	Mead	Shea	Williams
Eagleton	Hoey	Merritt	Smith A E	Wood
Edwards	Howard	Millen	Smith C	Yale
Evans	Lachman	Miller J L	Smith F L	Young E
Farrar	Lanahan	Miller W G	Spielberg	Young F L

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendments of the Senate thereto.

By unanimous consent, Mr. Sargent called up Assembly bill (No. 2335, Int. No. 1568) entitled "An act to grant to the city of New York certain lands under water in Jamaica bay and vicinity," now on the order of third reading.

Said bill having been announced,

Mr. Sargent moved that said bill be recommitted to the committee on rules, with instructions to report the same forthwith, amended as follows:

On page 2, after line 13, add: "Section 2. This grant shall not affect such land as may hereafter be granted by the Commissioners of the Land Office under any application made prior to April twenty-first, nineteen hundred and nine, but if any such application be denied, the land covered thereby shall pass to the city of New York under the conditions of this act."

Change section 2 to section 3.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Speaker, from the committee on rules, reported said bill amended as directed, and the same was ordered reprinted and placed on the order of third reading.

The Senate returned the Assembly bill (No. 828, Senate reprint No. 1336, Int. No. 757) entitled "An act to amend the Military Law, in relation to pay and allowances," with a message

that they have concurred in the passage of the same, with the following amendments:

Page 1, line 9, before the word "parade" insert the words "small arms practice,".

Objection being made to the immediate consideration of said message,

Ordered, That said message be referred to the committee on rules.

Mr. Hemenway offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That a respectful message be sent to the Governor, requesting the return to the Assembly of Assembly bill (No. 1678, Int. No. 1373), entitled "An act to amend chapter six hundred and sixty-six of the Laws of eighteen hundred and ninety-three, entitled 'An act to revise, amend and consolidate the several acts relating to the village of Canandaigua, and to repeal certain acts and parts of acts,' and the several acts amendatory thereof, generally," for the purposes of amendment.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. Surpless offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That a respectful message be sent to the Governor, requesting the return to the Assembly of Assembly bill (No. 1396, Int. No. 373), entitled "An act to amend the Railroad Law, in relation to the protection of street railroad employees in the counties of Kings and Queens," for the purposes of amendment.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. McInerney offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That a respectful message be sent to the Governor, requesting the return to the Assembly of



Assembly bill (No. 2173, Int. No. 205), entitled "An act to amend the Code of Criminal Procedure, relative to the appointment of stenographers to take evidence before grand juries and at coroner's inquests and examinations and trials of criminal cases," for the purposes of amendment.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. J. S. Phillips offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That a respectful message be sent to the Governor, requesting the return to the Assembly of Assembly bill (No. 1901, Int. No. 1357), entitled "An act to amend the Civil Service Law, in relation to the officers and employees of the Commission," for the purposes of amendment.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

The Senate sent for concurrence a resolution, in the words following:

IN SENATE, ALBANY, *April 22, 1909.*

Resolved (if the Assembly concur), That a respectful message be sent to the Governor, requesting the return of Senate bill (No. 721, Rec. No. 164), entitled "An act to amend the Village Law, relative to the form of the village assessment-roll," for the purpose of amendment.

By order of the Senate,

LAFAYETTE B. GLEASON,  
*Clerk.*

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk return said resolution to the Senate, with a message that the Assembly have concurred in the passage of the same.

The Senate sent for concurrence a resolution, in the words following:

IN SENATE, ALBANY, *April 22, 1909.*

Resolved (if the Assembly concur), That a respectful message be sent to the Governor, requesting the return of Senate bill (No. 1058, Rec. No. 200), entitled "An act to incorporate The World Bible League," for the purpose of amendment.

By order of the Senate,

LAFAYETTE B. GLEASON,  
*Clerk.*

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk return said resolution to the Senate, with a message that the Assembly have concurred in the passage of the same.

The Senate sent for concurrence a resolution, in the words following:

IN SENATE, ALBANY, *April 22, 1909.*

Resolved (if the Assembly concur), That a respectful message be sent to the mayor of the city of Cohoes, requesting the return of Senate bill (No. 868, Rec. No. 145), entitled "An act to amend section four of title five of chapter six hundred and seventy-one of the Laws of eighteen hundred and ninety-two, entitled 'An act to revise, consolidate and amend the several acts relating to the government of the city of Cohoes,' in relation to compensation of mayor," for the purpose of amendment.

By order of the Senate,

LAFAYETTE B. GLEASON,  
*Clerk.*

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk return said resolution to the Senate, with a message that the Assembly have concurred in the passage of the same.

The Senate returned the bill (No. 2171, Int. No. 200) entitled "An act to amend chapter one hundred and five of the Laws of eighteen hundred and ninety-one, entitled 'An act to revise the charter of the city of Buffalo, in relation to the public school teachers' retirement fund,'" with a message that they have reconsidered their vote by which said bill was passed, and, as amended, have again passed the same.

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of Buffalo.

Also, the bill (No. 2269, Int. No. 684) entitled "An act to amend chapter two hundred and eighty-eight of the Laws of nineteen hundred and six, entitled 'An act to revise the charter of the city of Hornellsville and to change the name thereof,' generally," with a message that they have reconsidered their vote by which said bill was passed, and, as amended, have again passed the same.

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of Hornellsville.

Also, the bill (No. 2178, Int. No. 463) entitled "An act to amend section twenty-two of chapter ten of the Laws of eighteen hundred and fifty-nine, entitled 'An act to amend an act entitled "An act to revise, amend and consolidate the several acts relating to the village of Whitesboro," ' relative to sidewalks, streets and highways in said village," with a message that they have reconsidered their vote by which said bill passed, and, as amended, have again passed the same.

Ordered, That the Clerk deliver said bill to the Governor.

The Senate returned the bill (No. 2017, Int. No. 1432) entitled "An act to authorize the commissioner of public works of the city of Utica to remove the bodies from the old cemetery in the Second ward of said city and to acquire title to the lands of said cemetery for said city for school purposes," with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of Utica.

Also, the bill (No. 880, Int. No. 797) entitled "An act to permit the reconveyance from the city of New York to the former owners thereof of certain real estate in the city of New York acquired by said city in a proceeding brought under chapter seven hundred and twelve of the Laws of nineteen hundred and one to acquire real estate and interests therein for the construction of a terminal at the westerly or Manhattan end of the New York and Brooklyn bridge," with a message that they have concurred in the passage of the same without amendment.



Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of New York.

Also, the bill (No. 1515, Int. No. 741) entitled "An act to authorize the board of assessors of the city of New York to determine and allow the damage sustained by owners of real property in the borough of Manhattan, city of New York, by reason of the construction of lateral driveways to connect the grade of One Hundred and Forty-fifth street with the grade of Riverside drive," with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of New York.

Also, the bill (No. 1514, Int. No. 367) entitled "An act to amend the Greater New York charter, in relation to the purchase by the city of New York of awards in condemnation proceedings," with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of New York.

Also, the bill (No. 1704, Int. No. 1388) entitled "An act to amend the Greater New York charter, in relation to the powers of the board of estimate and apportionment," with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of New York.

Also, the bill (No. 2085, Int. No. 1587) entitled "An act to amend chapter five hundred and seventy-two of the Laws of nineteen hundred and two, entitled 'An act to revise and amend an act to incorporate the city of Middletown and the acts amendatory thereof,' in relation to compensation of police officers," with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of Middletown.

Also, the bill (No. 1771, Int. No. 1422) entitled "An act to authorize the board of water and sewer commissioners of the village of Watkins to retire certain bonds issued by said board, pur-

suant to chapter three hundred and thirty-eight of the Laws of eighteen hundred and eighty-eight, and which fall due in the years nineteen hundred and ten and nineteen hundred and twelve, respectively, by issuing new substituted bonds, to be sold to provide money to pay such bonds as mature in said years nineteen hundred and ten and nineteen hundred and twelve, as the sinking fund raised and laid aside shall be insufficient to pay at maturity."

Also, the bill (No. 1658, Int. No. 707) entitled "An act to amend the Railroad Law, in relation to changing the name of stations."

Also, the bill (No. 1509, Int. No. 956) entitled "An act to amend the Public Health Laws, relating to vital statistics."

Also, the bill (No. 1524, Int. No. 1284) entitled "An act to amend the General City Law, relative to the authorization and expenditure of money for Memorial day in cities of the third class."

Also, the bill (No. 1674, Int. No. 1369) entitled "An act to incorporate the Bible House at Mooers, Clinton county."

Also, the bill (No. 2005, Int. No. 1278) entitled "An act to amend the Public Health Law, in relation to vital statistics and burial permits."

Also, the bill (No. 1185, Int. No. 1045) entitled "An act to amend the Banking Law, relative to directors, officers, agents or servants of a corporation purchasing its evidences of debt at a discount," with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk deliver said bills to the Governor.

The Senate returned the bill (No. 2031, Int. No. 1551) entitled "An act to amend chapter three hundred of the Laws of nineteen hundred and four, entitled 'An act to revise and consolidate the several acts relative to the city of Niagara Falls,' " with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of Niagara Falls.

Also, the bill (No. 1244, Int. No. 1090) entitled "An act to amend chapter three hundred of the Laws of nineteen hundred and four, entitled 'An act to revise and consolidate the several acts

relative to the city of Niagara Falls,' relative to the powers and duties of the board of water commissioners," with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of Niagara Falls.

The Senate returned the Assembly bill (No. 1503, Senate reprint No. 1176, Int. No. 653) entitled "An act in relation to the municipal commission and the police, fire, sewer, water and light departments of the village of Herkimer, and repealing certain acts relating thereto."

Also, Assembly bill (No. 1662, Senate reprint No. 1170, Int. No. 1079) entitled "An act to amend the Agricultural Law, in relation to concentrated commercial feeding stuffs."

Ordered, That the Clerk deliver said bills to the Governor.

The Senate returned the concurrent resolution recalling from the Governor, for the purposes of amendment, Assembly bill (No. 2173, Int. No. 205), entitled "An act to amend the Code of Criminal Procedure, relative to the appointment of stenographers to take evidence before grand juries and at coroner's inquests and examinations and trials of criminal cases," with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said resolution to the Governor.

The Senate returned the concurrent resolution recalling from the Governor, for the purposes of amendment, Assembly bill (No. 1901, Int. No. 1357), entitled "An act to amend the Civil Service Law, in relation to the officers and employees of the Commission," with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said resolution to the Governor.

The Senate returned the concurrent resolution recalling from the Governor, for the purposes of amendment, Assembly bill (No. 1396, Int. No. 373), entitled "An act to amend the Railroad Law, in relation to the protection of street railroad employees in the counties of Kings and Queens," with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said resolution to the Governor.

The Senate returned the concurrent resolution recalling from



the Governor, for the purposes of amendment, Assembly bill (No. 1678, Int. No. 1373), entitled "An act to amend chapter six hundred and sixty-six of the Laws of eighteen hundred and ninety-three, entitled 'An act to revise, amend, and consolidate the several acts relating to the village of Canandaigua, and to repeal certain acts and parts of acts,' and the several acts amendatory thereof, generally," with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said resolution to the Governor.

A communication was received from Hon. James N. Adam, mayor of the city of Buffalo, returning Assembly bill (No. 539, Int. No. 199), entitled "An act to authorize the city of Buffalo to issue its bonds for the purpose of making prompt payments of awards and expenses in proceedings instituted for the purpose of acquiring the fee of lands included within Elmwood avenue as now laid out and established between Virginia and Allen streets, and the lands necessary for the purpose of widening Elmwood avenue between North and Virginia streets and of extending Morgan street from Chippewa street to Virginia street," with a message that said mayor, after a public hearing thereon, does approve said bill and accept the same.

Ordered, That the Clerk deliver said bill to the Governor.

A communication was received from Hon. Nathan A. Warren, mayor of the city of Yonkers, returning Assembly bill (No. 1122, Senate reprint No. 1116, Int. No. 814), entitled "An act to amend chapter four hundred and fifty-two of the Laws of nineteen hundred and eight, entitled 'An act to supplement the general laws relating to the government of the city of Yonkers, and to revise and consolidate the local laws relating thereto,' generally," with a message that said mayor, and the common council of said city, after a public hearing thereon, do approve said bill and accept the same.

Ordered. That the Clerk deliver said bill to the Governor.

On motion of Mr. Merritt, the House adjourned.

FRIDAY, APRIL 23, 1909.

The House met pursuant to adjournment.

Prayer by Rev. Chas. G. Sewall.

On motion of Mr. Merritt, the reading of the journal of yesterday was dispensed with and the same was approved.

Mr. J. S. Phillips gives notice that he requests that Assembly bill (No. 2295, Int. No. 1720), entitled "An act to legalize and validate all proceedings heretofore had for the issuance and sale of fifteen thousand dollars bonds of the village of Wellsville, New York; to authorize the execution and delivery of said bonds and the raising of taxes to pay the principal and interest thereon, and to authorize a resale of said bonds under certain conditions," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on third reading.

Mr. Williams gives notice that he requests that Assembly bill (No. 2096, Int. No. 1598), entitled "An act to provide for the improvement of the Delaware river at the village of Deposit, Delaware county, and making an appropriation therefor," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on third reading.

Mr. De Groot gives notice that he requests that Assembly bill (No. 2153, Int. No. 1628), entitled "An act to amend the Penal Law, in relation to the hours of labor to be required," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. De Groot gives notice that he requests that Assembly bill (No. 2296, Int. No. 1629), entitled "An act to amend an act entitled 'An act relating to labor, constituting chapter thirty-one of the Consolidated Laws,'" a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Hammond gives notice that he requests that Assembly bill (No. 2291, Int. No. 1715), entitled "An act to amend the Railroad Law, relative to prohibiting the laying of center-bearing rails," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Hammond gives notice that he requests that Assembly bill (No. 2292, Int. No. 1716), entitled "An act to amend the Railroad Law, relative to prohibiting the laying of Centre-bearing rails," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Hammond gives notice that he requests that Assembly bill (No. 2293, Int. No. 1717), entitled "An act to amend chapter three hundred and fifty-six of the Laws of nineteen hundred and seven, entitled 'An act to provide for the construction of intercepting sewers in and for the city of Syracuse,'" a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Hammond gives notice that he requests that Assembly bill (No. 2275, Int. No. 1703), entitled "An act in relation to tax sales heretofore made by the treasurer of the county of Ontario," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Hammond gives notice that he requests that Assembly bill (No. 2307, Int. No. 1724), entitled "An act to amend the County Law, in relation to the publication of Session Laws and Concurrent Resolutions," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Merritt gives notice that he requests that Assembly bill (No. 2308, Int. No. 1719), entitled "An act making an appro-



priation for the State's proportion of the amounts appropriated for the repairs of highways, pursuant to sections ninety and ninety-three of the Highway Law," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. C. F. Murphy gives notice that he requests that Assembly bill (No. 1968, Int. No. 1537), entitled "An act to amend sections four hundred and thirty-eight and four hundred and thirty-nine of the Code of Civil Procedure, relative to service of summons without the State or by publication," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Odell gives notice that he requests that Assembly bill (No. 2091, Int. No. 1593), entitled "An act to authorize the Commissioners of the Land Office to grant or release to the town of Stony Point the right, title and interest of the State in and to a strip of land in the town of Stony Point, Rockland county, New York, for highway purposes," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Robinson gives notice that he requests that Assembly bill (No. 2310, Int. No. 1725), entitled "An act to amend chapter four of the Laws of eighteen hundred and ninety-one, entitled 'An act to provide for rapid transit railways in cities of over one million inhabitants,' generally," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. A. C. Smith gives notice that he requests that Assembly bill (No. 2301, Int. No. 1581), entitled "An act to amend the Liquor Tax Law, being chapter thirty-four of the Consolidated Laws, in relation to traffic in liquors within two hundred feet of a church," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. A. E. Smith gives notice that he requests that Assembly bill (No. 2305, Int. No. 1722), entitled "An act to authorize the police commissioner of the city of New York, in his discretion, to open and inquire into the case of Frank C. Hochfeldt, formerly a patrolman in the police department of said city," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Waddell gives notice that he requests that Assembly bill (No. 2283, Int. No. 1711), entitled "An act to amend the Tax Law, relative to the time of making special franchise valuations by the State Board of Tax Commissioners," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Thorn gives notice that he requests that Assembly bill (No. 1845, Int. No. 1457), entitled "An act to amend the Public Health Law, in relation to fees of physicians for making examinations in tuberculosis cases," a copy of which is hereto annexed, be made a special order, and asks that his requests be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Waddell gives notice that he requests that Assembly bill (No. 2265, Int. No. 1698), entitled "An act to amend the Tax Law, in relation to collection of taxes upon mortgages," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Toombs gives notice that he requests that Assembly bill (No. 2116, Int. No. 1607), entitled "An act to amend the Code of Civil Procedure, in relation to substitutes for personal service on domestic corporations in certain cases," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Hemenway gives notice that he requests that Assembly bill (No. 2287, Int. No. 1714), entitled "An act relating to the Capitol Building and a suitable building for the Court of Appeals,

and making an appropriation therefor," a copy of which is hereto annexed, be made a special order, and asks that his requests be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Hammond gives notice that he requests that the Senate bill introduced by Mr. Cronin (No. 931, Rec. No. 140), entitled "An act authorizing an inquiry into the question as to providing terminal facilities on the canals of this State, with a view of ultimately improving and fostering the commerce of the State, and making an appropriation therefor," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. MacGregor gives notice that he requests that the Senate bill introduced by Mr. Davis (No. 2302, Rec. No. 210), entitled "An act to amend chapter one hundred and five of the Laws of eighteen hundred and ninety-one, entitled 'An act to revise the charter of the city of Buffalo,' in relation to permits to carry pistols, and in relation to the police pensions fund," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. MacGregor gives notice that he requests that the Senate bill introduced by Mr. Davis (No. 915, Rec. No. 139), entitled "An act to amend section twenty-seven of chapter twenty-two of the Laws of nineteen hundred and nine, entitled 'An act in relation to the elections, constituting chapter seventeen of the Consolidated Laws,' relating to primary elections," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Whitney gives notice that he requests that the Senate bill introduced by Mr. Davis (No. 847, Rec. No. 175), entitled "An act to amend chapter twenty-two of the Laws of nineteen hundred and nine, entitled 'An act in relation to the elections, constituting chapter seventeen of the Consolidated Laws,' relating to voting machines," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on



rules for the purpose of making said bill a special order on second and third reading.

Mr. Waddell gives notice that he requests that the Senate bill introduced by Mr. Emerson (No. 1321, Rec. No. 217), entitled "An act to amend chapter twenty-nine of the Laws of nineteen hundred and eight, entitled 'An act to incorporate the city of Glens Falls,' generally," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Nolan gives notice that he requests that the Senate bill introduced by Mr. Grattan (No. 1148, Rec. No. 273), entitled "An act to amend the General Insurance Law, being chapter twenty-eight of the Consolidated Laws, relative to securities guaranty corporations," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Waters gives notice that he requests that the Senate bill introduced by Mr. Grattan (No. 1131, Rec. No. 287), entitled "An act to amend the Code of Criminal Procedure, in relation to the mode of selection of grand jurors," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Nolan gives notice that he requests that the Senate bill introduced by Mr. Grattan (No. 1420, Rec. No. 288), entitled "An act to amend chapter four hundred and sixty-six of the Laws of nineteen hundred and four, entitled 'An act in relation to street improvements in the city of Albany,' relating to the apportionment of the expense of improvements," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Waters gives notice that he requests that the Senate bill introduced by Mr. Grattan (No. 1223, Rec. No. 232), entitled "An act to amend chapter six hundred and seventy-one of the Laws of eighteen hundred and ninety-two, entitled 'An act to re-

wise, consolidate and amend the several acts relating to the government of the city of Cohoes,' in relation to collection of taxes," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Nolan gives notice that he requests that the Senate bill introduced by Mr. Grattan (No. 1381, Rec. No. 289), entitled 'An act creating a bureau of buildings in the city of Albany," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Nolan gives notice that he requests that the Senate bill introduced by Mr. Grattan (No. 75, Rec. No. 212), entitled "An act providing for the erection of a State armory and stable in the city of Albany, the acquisition of a site therefor and making an appropriation for building said armory and stable," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. L. H. White gives notice that he requests that the Senate bill introduced by Mr. Gardner (No. 1315, Rec. No. 2445), entitled "An act to amend section sixteen hundred and seventy-four of the Code of Civil Procedure, in relation to the cancellation of lis pendens," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Thorn gives notice that he requests that the Senate bill introduced by Mr. Hill (No. 1120, Rec. No. 227), entitled "An act to expedite the work of improving the Oswego canal by providing for a suspension of navigation during the year nineteen hundred and nine," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Bohan gives notice that he requests that the Senate bill in-

troduced by Mr. McManus (No. 528, Rec. No. 254), entitled "An act to amend section fifteen hundred and forty-three-a of the Greater New York charter, in relation to employees in the office of the borough president or any of the bureaus thereof," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making a special order on second and third reading.

Mr. Marks gives notice that he requests that the Senate bill introduced by Mr. Newcomb (No. 199, Rec. No. 153), entitled "An act to amend the Code of Civil Procedure, as to proceedings after trial of a demurrer," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Marks gives notice that he requests that the Senate bill introduced by Mr. Newcomb (No. 924, Rec. No. 154), entitled "An act to amend the Code of Civil Procedure relative to motions upon pleadings," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Marks gives notice that he requests that the Senate bill introduced by Mr. Newcomb (No. 1179, Rec. No. 214), entitled "An act to amend the Code of Civil Procedure, in relation to appeals to the Court of Appeals," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Rozan gives notice that he requests that the Senate bill introduced by Mr. Ramsperger (No. 345, Rec. No. 32), entitled "An act authorizing and empowering the comptroller of the city of Buffalo to open and keep a special work account and authorizing said city to issue or award its bonds for the purpose of raising money therefor," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Hemenway gives notice that he requests that the Senate



bill introduced by Mr. Raines (No. 1023, Rec. No. 188), entitled "An act to amend the Civil Service Law, in relation to the officers and employees of the Commission," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Travis gives notice that he requests that the Senate bill introduced by Mr. Schlosser (No. 888, Rec. No. 163) entitled "An act to amend subdivision one of section ninety-one of the Consolidated Village Law, relative to the power of a village board of trustees to license peddlers and hawkers," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Whitley gives notice that he requests that the Senate bill introduced by Mr. Meade (No. 813, Rec. No. 121), entitled "An act to release the interest of the people of the State of New York in the estate of Mary F. Dowling, deceased, late of Chauncey, Westchester county, New York, both real and personal, to Amelia M. Frost, her heirs and assigns forever," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. McInerney gives notice that he requests that the Senate bill introduced by Mr. White (No. 857, Rec. No. 207), entitled "An act to amend the County Law, in relation to trusts, for maintenance of cemeteries, lots and appurtenances," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Lanahan gives notice that he requests that the Senate bill introduced by Mr. Bayne (No. 444, Rec. No. 240), entitled "An act to authorize and empower the comptroller of the city of New York, in his discretion, to cancel and annul certain assessments in said city," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. McKeon gives notice that he requests that Assembly bill (No. 694, Int. No. 649), entitled "An act to amend the Greater New York charter, in relation to appointment of lifters in the borough of Brooklyn," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Lupton gives notice that he requests that the Senate bill introduced by Mr. Hubbs (No. 964, Rec. No. 293), entitled "An act to amend the Real Property Law and the Membership Corporations Law, in relation to the acquisition of lands for cemetery purposes in certain counties," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Perkins gives notice that he requests that the Senate bill introduced by Mr. Hinman (No. 1379, Rec. No. 274), entitled "An act to amend the Second Class Cities Law, in relation to creating a buildings department," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Stein gives notice that he requests that the Senate bill introduced by Mr. Schulz (No. 162, Rec. No. 160), entitled "An act to amend the Railroad Law, in relation to the rate of fare on railroads operated by steam, in cities of over one million inhabitants," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

The Senate sent for concurrence the following entitled bills:

"An act to amend the Tenement House Law, in relation to fire-escapes, rooms and cellars" (No. 1339, Rec. No. 276), which was read the first time and referred to the committee on affairs of cities.

"Concurrent resolution of the Senate and Assembly proposing an amendment to section two of article six of the Constitution, in relation to assignment of justices of the Supreme Court to hold

Special and Trial Terms ” (No. 309, Rec. No. 277), which was read the first time and referred to the committee on the judiciary.

“An act to amend the General Construction Law, in relation to prison martyrs’ day ” (No. 1413, Rec. No. 278), which was read the first time and referred to the committee on the judiciary.

“An act to amend the Code of Civil Procedure, in relation to references for the trial of issues ” (No. 1103, Rec. No. 279), which was read the first time and referred to the committee on codes.

“An act in relation to the west part of the road formerly known as the Buffalo Plank Road, in the county of Erie, and to the commissioners for the improvement and maintenance of such road, and their offices ” (No. 976, Rec. No. 280), which was read the first time and referred to the committee on internal affairs.

“An act to allow the city of New York to deed certain land and acquire the title to certain other land in DeBevoise avenue, in the borough of Queens ” (No. 1390, Rec. No. 281), which was read the first time and referred to the committee on affairs of cities.

“An act to amend the Town Law, generally ” (No. 1109, Rec. No. 282), which was read the first time and referred to the committee on internal affairs.

“An act to amend chapter forty-seven of the Laws of nineteen hundred and nine, entitled ‘An act relating to prisons, constituting chapter forty-three of the Consolidated Laws,’ relative to making the definite terms of a certain class of prisoners indeterminate terms ” (No. 1137, Rec. No. 283), which was read the first time and referred to the committee on State prisons.

“An act to amend the Public Health Law, in relation to fees of physicians for making examinations in tuberculosis cases ” (No. 104, Rec. No. 284), which was read the first time and referred to the committee on public health.

“An act in relation to the Cayuga Creek road in the county of Erie, and to the commissioners for the improvement and maintenance of such road, and their offices ” (No. 977, Rec. No. 285), which was read the first time and referred to the committee on internal affairs.

“An act to amend chapter fourteen of the Laws of eighteen hundred and sixty-one, entitled ‘An act making the office of county



clerk, in the county of Clinton a salaried office,' in relation to the compensation, powers and duties of such clerk and legalizing certain acts of the board of supervisors of said county affecting said compensation" (No. 1392, Rec. No. 286), which was read the first time and referred to the committee on internal affairs.

"An act to amend the Code of Criminal Procedure, in relation to the mode of selection of grand jurors" (No. 1131, Rec. No. 287), which was read the first time and referred to the committee on codes.

"An act to amend chapter four hundred and sixty-six of the Laws of nineteen hundred and four, entitled 'An act in relation to street improvements in the city of Albany,' relating to the apportionment of the expense of improvements" (No. 1420, Rec. No. 288), which was read the first time and referred to the committee on affairs of cities.

"An act creating a bureau of buildings in the city of Albany" (No. 1381, Rec. No. 289), which was read the first time and referred to the committee on affairs of cities.

"An act making the office of sheriff of the county of Queens a salaried office, and regulating the management of said office" (No. 1396, Rec. No. 290), which was read the first time and referred to the committee on internal affairs.

"An act to amend the Highway Law, in relation to the amount to be raised for highways on bridges in certain cases" (No. 1200, Rec. No. 291), which was read the first time and referred to the committee on internal affairs.

"An act to authorize the county clerk of Onondaga county to compile and maintain records, statistics and historical information relative to the soldiers and sailors of the war of the rebellion who enlisted from said county" (No. 1202, Rec. No. 292), which was read the first time and referred to the committee on internal affairs.

"An act to amend the Real Property Law and the Membership Corporations Law in relation to the acquisition of lands for cemetery purposes in certain counties" (No. 964, Rec. No. 293), which was read the first time and referred to the committee on the judiciary.

"An act to amend the Tax Law, in relation to the place of

taxation of real property divided by tax district lines" (No. 1106, Rec. No. 294), which was read the first time and referred to the committee on taxation and retrenchment.

"An act to amend the Tax Law, relative to the time of making special franchise valuations by the State Board of Tax Commissioners" (No. 1395, Rec. No. 295), which was read the first time.

On motion of Mr. Merritt, and by unanimous consent, said bill was read the second time and ordered to a third reading.

On motion of Mr. Merritt, and by unanimous consent, said bill was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 110

NOES 00

Those who voted in the affirmative were:

Allen	Fille	Lansing	Miller J L	Smith C
Barden	Foley	Lazarus	Miller W G	Smith F L
Baumann	Fowler	Lee	Murphy F J	Smith M
Baumes	Frisbie	Leffingwell	Murray	Spielberg
Boshart	Garbe	Levy A J	Neupert	Staley
Brady	Geoghegan	Levy J	Nolan	Sullivan
Brown C F	Goodspeed	Lowe	Odell	Thompson
Brown G W	Graubard	Lowman	Oliver	Thorn
Burhyte	Gray	Lupton	Parker F B	Travis
Callan	Gunderman	MacGregor	Parker J S	Waddell
Caughlan	Haines	Manley	Partridge	Walters
Cheney	Hammond	Marlatt	Phillips C W	Waters
Colné	Hann	Martin	Phillips J S	Weaver
Costello	Hawley	McCue	Reed	Wende
Cuvillier	Hemenway	McElligott	Robinson	White E H
De Groot	Herrick	McFarlane	Rozan	White L H
Donnelly	Hoey	McGrath	Sanner	Whitley
Draper	Howard	McInerney	Schmidt	Whitney
Edwards	Joseph	McLaughlin	Schutta	Williams
Evans	Klein	Mead	Scott	Wood
Farrar	Lachman	Merritt	Shea	Yale
Fay	Lanahan	Millen	Smith A E	Young E

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

"An act in relation to tax sales heretofore made by the treasurer of the county of Ontario" (No. 1375, Rec. No. 296), which was read the first time and referred to the committee on internal affairs.

"An act to amend the Town Law, in relation to town collectors in the county of Orange" (No. 1130, Rec. No. 297), which was read the first time and referred to the committee on internal affairs.

"An act to amend chapter seven hundred and twenty-four of the Laws of nineteen hundred and five, entitled 'An act to provide for an additional supply of pure and wholesome water for the city of New York; and for the acquisition of lands or interest therein, and for the construction of the necessary reservoirs, dams, aqueducts, filters and other appurtenances for that purpose, and for the appointment of a commission with the powers and duties necessary and proper to attain these objects,' in relation to water for the city of Newburgh, and to confer jurisdiction upon the State Water Supply Commission in respect thereto" (No. 1317, Rec. No. 298), which was read the first time and referred to the committee on affairs of cities.

"An act to amend the Penal Law, in relation to the carrying of concealed weapons" (No. 1386, Rec. No. 299), which was read the first time and referred to the committee on codes.

"An act to amend the Penal Law, relative to burglary with explosives" (No. 700, Rec. No. 300), which was read the first time and referred to the committee on codes.

"An act to amend the Code of Civil Procedure with respect to the City Court of the city of New York, abrogating the limitation of the clerk of the amount for which judgment may be entered, and repealing the section relating thereto, and also giving unto the City Court of the city of New York and its justices the same powers, duties and jurisdiction as the Court of General Sessions, to be exercised only by designation of the Governor when necessity arises" (No. 1385, Rec. No. 301), which was read the first time and referred to the committee on codes.

"An act to amend the Poor Law, in relation to the method of estimating the sums to be raised by taxation in any town for the support of the poor therein" (No. 1127, Rec. No. 302),



which was read the first time and referred to the committee on internal affairs.

"An act relative to the powers and duties of the trustees of public lands of the town of Rye in Westchester county" (No. 1387, Rec. No. 303), which was read the first time and referred to the committee on internal affairs.

"An act to amend the Tax Law, in relation to the compensation and the powers and duties of the State Board of Tax Commissioners" (No. 1411, Rec. No. 304), which was read the first time and referred to the committee on ways and means.

By unanimous consent, the following bills were introduced:

Mr. Merritt introduced a bill entitled "An act to provide ways and means for the annual contribution to the highway improvement sinking fund" (Int. No. 1755), which was read the first time and referred to the committee on ways and means.

Also, "An act to provide ways and means for the annual contribution to the canal debt sinking fund" (Int. No. 1756), which was read the first time and referred to the committee on ways and means.

Also, "An act making an appropriation for the payment of interest on the debt for highway improvement contracted or to be contracted under article seven, section twelve of the Constitution, and as provided by law for the fiscal year beginning on the first day of October, nineteen hundred and eight" (Int. No. 1757), which was read the first time and referred to the committee on ways and means.

Also, "An act making an appropriation for the payment of interest on the debt for highway improvement contracted or to be contracted under article seven, section twelve of the Constitution, and as provided by law, for the fiscal year beginning on the first day of October, nineteen hundred and nine" (Int. No. 1758), which was read the first time and referred to the committee on ways and means.

Also, "An act making an appropriation for the payment for the fiscal year beginning on the first day of October, nineteen hundred and nine, of interest on the canal debt contracted or to be contracted under article seven, section four of the Constitution" (Int. No. 1759), which was read the first time and referred to the committee on ways and means.

Also, "An act making an appropriation for the payment for the fiscal year beginning on the first day of October, nineteen hundred and eight, of interest on the canal debt contracted or to be contracted under article seven, section four of the Constitution" (Int. No. 1760), which was read the first time and referred to the committee on ways and means.

Mr. C. F. Murphy introduced a bill entitled "An act to amend the Public Lands Law, in relation to persons entitled to petition for release in lands escheated to State" (Int. No. 1761), which was read the first time and referred to the committee on ways and means.

Mr. Speaker, from the committee on rules, to which was referred Assembly bill introduced by Mr. J. S. Phillips (No. 2295, Int. No. 1720), entitled "An act to legalize and validate all proceedings heretofore had for the issuance and sale of fifteen thousand dollars bonds of the village of Wellsville, New York; to authorize the execution and delivery of said bonds and the raising of taxes to pay the principal and interest thereon, and to authorize a resale of said bonds under certain conditions."

Also, Assembly bill introduced by Mr. Williams (No. 2096, Int. No. 1598), entitled "An act to provide for the improvement of the Delaware river at the village of Deposit, Delaware county, and making an appropriation therefor," reported in favor of the passage of the same without amendment, and that the same be made special orders on third reading immediately, which report was agreed to, and said bills ordered made special orders on third reading immediately.

Also, Assembly bill introduced by Mr. De Groot (No. 2153, Int. No. 1628), entitled "An act to amend the Penal Law, in relation to the hours of labor to be required."

Also, Assembly bill introduced by Mr. De Groot (No. 2296, Int. No. 1629), entitled "An act to amend an act, entitled 'An act relating to labor, constituting chapter thirty-one of the Consolidated Laws.'"

Also, Assembly bill introduced by Mr. Hammond (No. 2291, Int. No. 1715), entitled "An act to amend the Railroad Law, relative to prohibiting the laying of center-bearing rails."

Also, Assembly bill introduced by Mr. Hammond (No. 2292,

Int. No. 1716), entitled "An act to amend the Railroad Law, relative to prohibiting the laying of centre-bearing rails."

Also, Assembly bill introduced by Mr. Hammond (No. 2293, Int. No. 1717), entitled "An act to amend chapter three hundred and fifty-six of the Laws of nineteen hundred and seven, entitled 'An act to provide for the construction of intercepting sewers in and for the city of Syracuse.'" L

Also, Assembly bill introduced by Mr. Hemenway (No. 2275, Int. No. 1703), entitled "An act in relation to tax sales heretofore made by the treasurer of the county of Ontario."

Also, Assembly bill introduced by Mr. Hemenway (No. 2307, Int. No. 1724), entitled "An act to amend the County Law, in relation to the publication of Session Laws and Concurrent Resolutions."

Also, Assembly bill introduced by Mr. Merritt (No. 2308, Int. No. 1719), entitled "An act making an appropriation for the State's portion of the amounts appropriated for the repair of highways, pursuant to sections ninety and ninety-three of the Highway Law."

Also, Assembly bill introduced by Mr. C. F. Murphy (No. 1968, Int. No. 1537), entitled "An act to amend sections four hundred and thirty-eight and four hundred and thirty-nine of the Code of Civil Procedure, relative to service of summons without the State or by publication."

Also, Assembly bill introduced by Mr. Odell (No. 2091, Int. No. 1593), entitled "An act to authorize the Commissioners of the Land Office to grant or release to the town of Stony Point the right, title and interest of the State in and to a strip of land in the town of Stony Point, Rockland county, New York, for highway purposes."

Also, Assembly bill introduced by Mr. Robinson (No. 2310, Int. No. 1725), entitled "An act to amend chapter four of the Laws of eighteen hundred and ninety-one, entitled 'An act to provide for rapid transit railways in cities of over one million inhabitants,' generally."

Also, Assembly bill introduced by Mr. A. E. Smith (No. 2301, Int. No. 1581), entitled "An act to amend the Liquor Tax Law, being chapter thirty-four of the Consolidated Laws, in relation to traffic in liquors within two hundred feet of a church."



Also, Assembly bill introduced by Mr. A. E. Smith (No. 2305, Int. No. 1722), entitled "An act to authorize the police commissioner of the city of New York, in his discretion, to open and inquire into the case of Frank C. Hochfeldt, formerly a patrolman in the police department of said city."

Also, Assembly bill introduced by Mr. Waddell (No. 2283, Int. No. 1711), entitled "An act to amend the Tax Law, relative to the time of making special franchise valuations by the State Board of Tax Commissioners."

Also, Assembly bill introduced by Mr. Thorn (No. 1845, Int. No. 1457), entitled "An act to amend the Public Health Law, in relation to fees of physicians for making examinations in tuberculosis cases."

Also, Assembly bill introduced by Mr. Waddell (No. 2265, Int. No. 1698), entitled "An act to amend the Tax Law, in relation to collection of taxes upon mortgages."

Also, Assembly bill introduced by Mr. Toombs (No. 2116, Int. No. 1607), entitled "An act to amend the Code of Civil Procedure, in relation to substitutes for personal service on domestic corporations in certain cases."

Also, Assembly bill introduced by Mr. Hemenway (No. 2287, Int. No. 1714), entitled "An act relating to the Capitol Building and a suitable building for the Court of Appeals, and making an appropriation therefor."

Also, Senate bill introduced by Mr. Crenin (No. 931, Rec. No. 140), entitled "An act authorizing an inquiry into the question as to providing terminal facilities on the canals of this State, with a view of ultimately improving and fostering the commerce of the State, and making an appropriation therefor."

Also, Senate bill introduced by Mr. Davis (No. 1007, Assembly reprint No. 2302, Rec. No. 210), entitled "An act to amend chapter one hundred and five of the Laws of eighteen hundred and ninety-one, entitled 'An act to revise the charter of the city of Buffalo,' in relation to permits to carry pistols, and in relation to the police pension fund."

Also, Senate bill introduced by Mr. Davis (No. 915, Rec. No. 139), entitled "An act to amend section twenty-seven of chapter twenty-two of the Laws of nineteen hundred and nine, entitled

'An act in relation to the elections, constituting chapter seventeen of the Consolidated Laws,' relating to primary elections."

Also, Senate bill introduced by Mr. Davis (No. 847, Rec. No. 175), entitled "An act to amend chapter twenty-two of the Laws of nineteen hundred and nine, entitled 'An act in relation to the elections, constituting chapter seventeen of the Consolidated Laws,' relating to voting machines."

Also, Senate bill introduced by Mr. Emerson (No. 1321, Rec. No. 271), entitled "An act to incorporate the city of Glens Falls, generally."

Also, Senate bill introduced by Mr. Grattan (No. 1148, Rec. No. 273), entitled "An act to amend the General Insurance Law, being chapter twenty-eight of the Consolidated Laws, relative to securities guaranty corporations."

Also, Senate bill introduced by Mr. Grattan (No. 1131, Rec. No. 287), entitled "An act to amend the Code of Criminal Procedure, in relation to the mode of selection of grand jurors."

Also, Senate bill introduced by Mr. Grattan (No. 1381, Rec. No. 289), entitled "An act creating a bureau of buildings in the city of Albany."

Also, Senate bill introduced by Mr. Grattan (No. 1420, Rec. No. 288), entitled "An act to amend chapter four hundred and sixty-six of the Laws of nineteen hundred and four, entitled 'An act in relation to street improvements in the city of Albany,' relating to the apportionment of the expense of improvements."

Also, Senate bill introduced by Mr. Grattan (No. 1223, Rec. No. 232), entitled "An act to amend chapter six hundred and seventy-one of the Laws of eighteen hundred and ninety-two, entitled 'An act to revise, consolidate and amend the several acts relating to the government of the city of Cohoes,' in relation to the collection of taxes."

Also, Senate bill introduced by Mr. Grattan (No. 75, Rec. No. 212), entitled "An act providing for the erection of a State armory and stable in the city of Albany, the acquisition of a site therefor and making an appropriation for building said armory and stable."

Also, Senate bill introduced by Mr. Gardner (No. 1315, Rec. No. 244), entitled "An act to amend section sixteen hundred and

seventy-four of the Code of Civil Procedure, in relation to the cancellation of lis pendens."

Also, Senate bill introduced by Mr. Hill (No. 1120, Rec. No. 227), entitled "An act to expedite the work of improving the Oswego canal by providing for a suspension of navigation during the year nineteen hundred and nine."

Also, Senate bill introduced by Mr. McManus (No. 528, Rec. No. 254), entitled "An act to amend section fifteen hundred and forty-three-a of the Greater New York charter, in relation to employees in the office of the borough president or any of the bureaus thereof."

Also, Senate bill introduced by Mr. Newcomb (No. 924, Rec. No. 154), entitled "An act to amend the Code of Civil Procedure, relative to motions upon pleadings."

Also, Senate bill introduced by Mr. Newcomb (No. 199, Rec. No. 153), entitled "An act to amend the Code of Civil Procedure, as to proceedings after trial of a demurrer."

Also, Senate bill introduced by Mr. Newcomb (No. 1079, Rec. No. 214), entitled "An act to amend the Code of Civil Procedure, in relation to appeals to the Court of Appeals."

Also, Senate bill introduced by Mr. Platt (No. 764, Assembly reprint No. 2299, Rec. No. 155), entitled "An act to amend the Agricultural Law in relation to suppression of infectious and contagious diseases of domestic animals."

Also, Senate bill introduced by Mr. Ramsperger (No. 345, Rec. No. 32), entitled "An act authorizing and empowering the comptroller of the city of Buffalo to open and keep a special work account, and authorizing said city to issue or award its bonds for the purpose of raising money therefor."

Also, Senate bill introduced by Mr. Raines (No. 1023, Rec. No. 188), entitled "An act to amend the Civil Service Law, in relation to the officers and employees of the commission."

Also, Senate bill introduced by Mr. Schlosser (No. 888, Rec. No. 163), entitled "An act to amend the Village Law, in relation to power of a village board of trustees to license peddlers and hawkers."

Also, Senate bill introduced by Mr. Meade (No. 813, Rec. No. 121), entitled "An act to release the interest of the people of



the State of New York in the estate of Mary F. Dowling, deceased, late of Chauncey, Westchester county, New York, both real and personal, to Amelia M. Frost, her heirs and assigns forever."

Also, Senate bill introduced by Mr. White (No. 857, Rec. No. 207), entitled "An act to amend the County Law, in relation to trusts for maintenance of cemetery lots and appurtenances."

Also, Senate bill introduced by Mr. Bayne (No. 444, Rec. No. 240), entitled "An act to authorize and empower the comptroller of the city of New York, in his discretion, to cancel and annul certain assessments in said city," reported in favor of the passage of the same without amendment, and that the same be made special orders on second and third reading immediately after the consideration of the special orders on third reading heretofore reported, which report was agreed to, and said bills ordered made special orders on second and third reading immediately after the consideration of the special orders on third reading heretofore reported.

Mr. Speaker, from the committee on rules, to which was referred the bill introduced by Mr. McKeon (No. 694, Int. No. 649), entitled "An act to amend the Greater New York charter, in relation to appointment of lifters in the borough of Brooklyn," reported the same with the following amendments:

Page 2, line 19, strike out the word "shall" and insert the word "may".

Page 2, line 21, strike out the words "at least" and insert in place thereof the words "not exceeding".

and requests that said bill be reprinted, as amended, and recommitted to said committee, which report was agreed to, and said bill ordered reprinted, as amended, and recommitted to said committee.

Mr. Speaker, from the committee on rules, to which was referred the Senate bill introduced by Mr. Hubbs (No. 964, Rec. No. 293), entitled "An act to amend the Real Property Law and the Membership Corporations Law in relation to the acquisition of lands for cemetery purposes in certain counties," reported in favor of the passage of the following substitute bill:

(See Appendix No. 53.)

and that the same be printed, and that when it shall have been on the desks of the members three calendar legislative days it be made a special order on second and third reading immediately after consideration of the special orders on third reading theretofore reported, which report was agreed to, and said bill ordered printed, and that when it shall have been on the desks of the members three calendar legislative days it be made a special order on second and third reading immediately after the consideration of the special orders on third reading theretofore reported.

Mr. Speaker, from the committee on rules, to which was referred the Senate bill introduced by Mr. Schulz (No. 162, Rec. No. 257), entitled "An act to amend the Railroad Law, in relation to the rate of fare on railroads operated by steam in cities of over one million inhabitants," reported the same with the following amendments:

Page 2, line 12, after the word "railroad" insert the words "in or" in italics, and after the word "through" of said line add the words "more than a single borough" in italics.

Line 13 of the same page, strike out the first word of said line, which is "or", and also strike out on said line the words "or through on in a part"; and on line 14 of said page, strike out the words "of any such city".

In line 16 of said page, insert the words "on any local train" in italics after the word "passenger".

and requests that said bill be reprinted, as amended, and recommitted to said committee, which report was agreed to, and said bill ordered reprinted, as amended, and recommitted to said committee.

Mr. Speaker, from the committee on rules, to which was referred the bill introduced by Mr. Hinman (No. 1397, Int. No. 274), entitled "An act to amend the Second Class Cities Law in relation to creating a buildings department," reported the same with the following amendments:

On page 4, line 4, strike out "a", also strike out "section" and insert "sections", also "section" and insert "sections".

On page 4, line 5, after "fifty-five" insert "one hundred and fifty-six and one hundred and fifty-seven".

"§ 155. Subordinates.—The superintendent of buildings may appoint such subordinates as may be prescribed by the board of estimate and apportionment to hold office during his pleasure, and

who shall receive such compensation as shall be fixed by said board.

“§ 156. Duties of superintendent.—In addition to the duties of the superintendent of buildings prescribed herein, or otherwise by law, the common council shall by ordinance prescribe his duties, and he shall have such power and authority in regard to the supervision and inspection of the erection, construction or alteration of buildings and other structures as shall be conferred by ordinance, not inconsistent with the other laws of the state. The common council shall also have power to establish by ordinance, and from time to time amend, a ‘building code’ providing for all matters concerning, affecting or relating to the construction, alteration, repair or removal of buildings and structures heretofore or hereafter erected; but no ordinance amending, repealing or modifying such building code or any provision thereof shall be passed by the common council until notice of the proposed ordinance shall have been published for at least ten days in the official paper or papers of the city prior to action thereon.

“§ 157. Application of chapter limited.—Where, by special or local laws affecting the city, a superintendent of buildings is provided for, the provisions of this chapter shall not affect the manner of appointment, tenure or term of office, removal or salary or compensation of such superintendent, or impair any of the powers or duties possessed by or conferred upon him under or by virtue of such special or local laws.

“§ 3. All acts or parts of acts, general or special, in so far as inconsistent with the provisions of this act are hereby repealed; but such repeal shall not affect or impair any act done or right accruing, accrued or acquired, or penalty incurred prior to the time of the taking effect of this act under or by virtue of any law so repealed; but the same may be asserted or enforced as fully and to the same extent as if such law had not been so repealed.”

and requests that said bill be reprinted, as amended, and recommitted to said committee, which report was agreed to, and said bill ordered reprinted, as amended, and recommitted to said committee.

The Clerk reported the following bills as correctly printed or engrossed:

“An act to amend the Insurance Law, relative to proceedings against and liquidation of delinquent insurance corporations.”  
(No. 2333, Int. No. 947.)

“An act to amend section eight hundred and twelve of the Code of Civil Procedure, in relation to general regulations respecting



bonds and undertakings." (Senate No. 145, Assembly reprint No. 2326, Rec. No. 86.)

"An act to authorize the commissioner of police of the city of New York to grant a pension to Adelina Petrosino, widow of Joseph Petrosino." (No. 2311, Int. No. 1501.)

On motion of Mr. Hamn, the committee on rules was instructed to report Assembly bill (No. 2294, Int. No. 1718), entitled "An act to amend the Highway Law, by repealing article eleven thereof and inserting a new article eleven, in relation to motor vehicles," with the following amendments:

On page 3, line 13, after "operating" insert "or driving"; after "hire" strike out comma; after "as" insert "an" and strike out "the", and after "employee" insert period and strike out balance of line and "owner thereof" on line 14.

On page 5, line 23, strike out "class" and insert "classes".

On page 7, line 5, after "all" strike out "other".

On page 10, line 3, after "is" strike out "driven or", and after "operated" insert "or driven".

On page 10, line 25, after "horns" insert "and".

On page 11, line 12, after "operating" insert "or driving".

On page 11, line 15, strike out "rate of", and after "speed of" insert "the".

On page 11, line 16, after "signaling" strike out "and".

On page 11, line 23, after "operating" insert "or driving".

On page 12, line 15, after "list" insert "s".

On page 12, line 16, after "clerk" insert "s".

On page 12, line 18, after "operate" insert "or drive".

On page 12, line 20, strike out the word "ten" and insert "five".

On page 13, line 3, strike out semicolon and insert colon; strike out the balance of the line and all of lines 4, 5 and 6 down to and including "dollars".

On page 14, line 7, after "operating" insert "or driving".

On page 14, line 15, after "operating" insert "or driving".

On page 14, line 19, strike out the comma at end of line.

On page 15, line 6, after "manner" insert "and upon the payment of the same fee".

On page 15, line 7, strike out "upon the payment of the fee of five dollars".

On page 18, line 24, after "dollars" insert comma.

On page 21, line 22, strike out "provided" and insert period.

On page 21, line 23, strike out "however, that on".

On page 21, line 23, before "or before" insert "on", and after "February" insert "of each year".

On page 22, line 1, after "city" strike out comma and insert period, and strike out the balance of the line.

On page 22, line 2, before "Legislature" insert "The", and after "Legislature" insert "shall", and after "annually" strike out "to appropriate a sufficient sum" and insert in place thereof "make appropriation of an amount sufficient".

On page 22, line 10, after "section" strike out comma.

On page 22, line 13, strike out the word "State".

On page 22, line 14, strike out the word "this" and insert the word "the".

Mr. Speaker, from the committee on rules, reported said bill amended as directed.

On motion of Mr. Hamn, said bill was ordered reprinted, as amended, and recommitted to said committee.

Mr. Speaker announced the special order, being the bill (No. 2312) entitled "An act to amend the Election Law, in relation to the notice, time of holding, organization and conduct of primaries." (Int. No. 1359.)

Said bill having been announced for a third reading,

On motion of Mr. Merritt, and by unanimous consent, said bill was ordered placed on the third reading calendar for Monday next.

Mr. Speaker announced the special order, being the bill (No. 2271) entitled "An act to amend the Village Law, in relation to notice before the accrual of certain causes of actions against villages for damages for personal injuries resulting from negligence." (Int. No. 1600.)

Said bill having been announced,

Mr. Frisbie moved that said bill be recommitted to the committee on rules, with instructions to report the same forthwith, amended as follows:

Page 2, line 2, after "unsafe" insert comma, strike out "and", and after "dangerous" insert "or obstructed".

Page 2, line 6, after "of" insert "or in the absence of such notice, unless it appears that such defective, unsafe, dangerous or obstructed condition existed for so long a period that the same should have been discovered and remedied in the exercise of reasonable care and diligence".

Page 2, line 9, strike out "and" and insert "or".

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Speaker, from the committee on rules, reported said bill amended as directed.

On motion of Mr. Frisbie, said bill was ordered reprinted as amended, and returned to the special order of second and third reading.

Mr. Speaker announced the special order, being the bill (No. 2295), entitled "An act to legalize and validate all proceedings heretofore had for the issuance and sale of fifteen thousand dollars bonds of the village of Wellsville, New York; to authorize the execution and delivery of said bonds and the raising of taxes to pay the principal and interest thereon, and to authorize a resale of said bond under certain conditions." (Int. No. 1720.)

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 111

NOES 00

Those who voted in the affirmative were:

Allen	Fille	Lansing	Miller J L	Smith C
Barden	Foley	Lazarus	Miller W G	Smith F L
Baumann	Fowler	Lee	Murphy F J	Smith M
Baumes	Francis	Leffingwell	Murray	Spielberg
Boshart	Garbe	Levy A J	Neupert	Staley
Brady	Geoghegan	Levy J	Nolan	Sullivan
Brennan	Goodspeed	Lowe	Odell	Thompson
Brown C F	Graubard	Lowman	Oliver	Thorn
Brown G W	Gray	Lupton	Parker F B	Travis
Burhyte	Gunderman	MacGregor	Parker J S	Waddell
Callan	Haines	Manley	Partridge	Walters
Caughlan	Hammond	Marlatt	Phillips C W	Waters
Cheney	Hamn	Martin	Phillips J S	Weaver
Colné	Hawley	McCue	Reed	Wende
Costello	Hemenway	McElligott	Robinson	White E H
Cuvillier	Herrick	McFarlane	Rozan	White L H
De Groot	Hoey	McGrath	Sanner	Whitley
Donnelly	Howard	McInerney	Schmidt	Whitney
Draper	Joseph	McLaughlin	Schutta	Williams
Edwards	Klein	Mead	Scott	Wood
Evans	Lachman	Merritt	Shea	Yale
Farrar	Lanahan	Millen	Smith A E	Young E
Fay				



Ordered, That the Clerk engross said bill and deliver the same to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 2096) entitled "An act to provide for the improvement of the Delaware river at the village of Deposit, Delaware county, and making an appropriation therefor." (Int. No. 1598.)

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 109

NOES 00

Those who voted in the affirmative were:

Allen	Foley	Lazarus	Miller W G	Smith F L
Barden	Fowler	Lee	Murphy F J	Smith M
Baumann	Frisbie	Leffingwell	Murray	Spielberg
Baumes	Garbe	Levy A J	Neupert	Staley
Boshart	Geoghegan	Levy J	Nolan	Sullivan
Brady	Goodspeed	Lowe	Odell	Thompson
Brown C F	Graubard	Lowman	Oliver	Thorn
Brown G W	Gray	Lupton	Parker F B	Travis
Burhyte	Gunderman	McGregor	Parker J S	Waddell
Callan	Haines	Manley	Partridge	Walters
Caughlan	Hammond	Marlatt	Phillips C W	Waters
Cheney	Hann	Martin	Phillips J S	Weaver
Colné	Hawley	McCue	Reed	Wende
Costello	Hemenway	McElligott	Robinson	White E H
Cuvillier	Herrick	McFarlane	Rozan	White L H
Donnelly	Hoey	McGrath	Sanner	Whitley
Draper	Howard	McInerney	Schmidt	Whitney
Edwards	Joseph	McLaughlin	Schutta	Williams
Evans	Klein	Mead	Scott	Wood
Farrar	Lachman	Merritt	Shea	Yale
Fay	Lanahan	Millen	Smith A E	Young E
Filley	Lansing	Miller J L	Smith C	

Ordered, That the Clerk engross said bill and deliver the same to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 2300) entitled "An act to amend the County Law, in relation to fire districts situated in two or more counties." (Int. No. 1626.)

On motion of Mr. McFarlane, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 110

NOES 00

Those who voted in the affirmative were:

Allen	Filley	Lansing	Miller J L	Smith C
Barden	Foley	Lazarus	Miller W G	Smith F L
Baumann	Fowler	Lee	Murphy F J	Smith M
Baumes	Frisbie	Leffingwell	Murray	Spielberg
Boshart	Garbe	Levy A J	Neupert	Staley
Brady	Geoghegan	Levy J	Nolan	Sullivan
Brown C F	Goodspeed	Lowe	Odell	Thompson
Brown G W	Graubard	Lowman	Oliver	Thorn
Burhyte	Gray	Lupton	Parker F B	Travis
Callan	Gunderman	MacGregor	Parker J S	Waddell
Caughlan	Haines	Manley	Partridge	Walters
Cheney	Hammond	Marlatt	Phillips C W	Waters
Colné	Hann	Martin	Phillips J S	Weaver
Costello	Hawley	McCue	Reed	Wende
Cuvillier	Hemenway	McElligott	Robinson	White E H
De Groot	Herrick	McFarlane	Rozan	White L H
Donnelly	Hoey	McGrath	Sanner	Whitley
Draper	Howard	McInerney	Schmidt	Whitney
Edwards	Joseph	McLaughlin	Schutta	Williams
Evans	Klein	Mead	Scott	Wood
Farrar	Lachman	Merritt	Shea	Yale
Fay	Lanahan	Millen	Smith A E	Young E

Ordered, That the Clerk engross said bill and deliver the same to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 2153) entitled "An act to amend the Penal Law, in relation to the hours of labor to be required." (Int. No. 1628.)

Said bill having been announced for a second reading,

On motion of Mr. Cuvillier, and by unanimous consent, said bill was ordered placed on the second and third reading calendar for Monday next.

Mr. Speaker announced the special order, being the bill (No. 2296) entitled "An act to amend an act, entitled 'An act relating to labor, constituting chapter thirty-one of the Consolidated Laws.'" (Int. No. 1629.)

Said bill having been announced for a second reading,

On motion of Mr. Cuvillier, and by unanimous consent, said bill was ordered placed on the second and third reading calendar for Monday next.

Mr. Speaker announced the special order, being the bill (No. 2291) entitled "An act to amend the Railroad Law, relative to prohibiting the laying of center-bearing rails." (Int. No. 1715.)

On motion of Mr. Hammond, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 110

NOES 00

Those who voted in the affirmative were:

Allen	Fille	Lansing	Miller J L	Smith C
Barden	Foley	Lazarus	Miller W G	Smith F L
Baumann	Fowler	Lee	Murphy F J	Smith M
Baumes	Frisbie	Leffingwell	Murray	Spielber
Boshart	Garbe	Levy A J	Neupert	Staley
Brady	Geoghegan	Levy J	Nolan	Sullivan
Brown C F	Goodspeed	Lowe	Odell	Thompson
Brown G W	Graubard	Lowman	Oliver	Thorn
Burhyte	Gray	Lupton	Parker F B	Travis
Callan	Gunderman	MacGregor	Parker J S	Waddell
Caughlan	Haines	Manley	Partridge	Walters
Cheney	Hammond	Marlatt	Phillips C W	Waters
Colné	Hann	Martin	Phillips J S	Weaver
Costello	Hawley	McCue	Reed	Wende
Cuvillier	Hemenway	McElligott	Robinson	White E H
De Groot	Herrick	McFarlane	Rozan	White L H
Donnelly	Hoey	McGrath	Sanner	Whitley
Draper	Howard	McInerney	Schmidt	Whitney
Edwards	Joseph	McLaughlin	Schutta	Williams
Evans	Klein	Mead	Scott	Wood
Farrar	Lachman	Merritt	Shea	Yale
Fay	Lanahan	Millen	Smith A E	Young E

Ordered, That the Clerk engross said bill and deliver the same to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No.



2292) entitled "An act to amend the Railroad Law, relative to prohibiting the laying of center-bearing rails." (Int. No. 1716.)

On motion of Mr. Hammond, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 109

NOES 00

Those who voted in the affirmative were:

Allen	Foley	Lazarus	Miller W G	Smith F L
Barden	Fowler	Lee	Murphy F J	Smith M
Baumann	Frisbie	Leffingwell	Murray	Spielberg
Baumes	Garbe	Levy A J	Neupert	Staley
Boshart	Geoghegan	Levy J	Nolan	Sullivan
Brady	Goodspeed	Lowe	Odell	Thompson
Brown C F	Graubard	Lowman	Oliver	Thorn
Brown G W	Gray	Lupton	Parker F B	Travis
Burhyte	Gunderman	MacGregor	Parker J S	Waddell
Callan	Haines	Manley	Partridge	Walters
Caughlan	Hammond	Marlatt	Phillips C W	Waters
Cheney	Hamn	Martin	Phillips J S	Weaver
Colné	Hawley	McCue	Reed	Wende
Costello	Hemenway	McElligott	Robinson	White E H
Cuvillier	Herrick	McFarlane	Rozan	White L H
Donnelly	Hoey	McGrath	Sanner	Whitley
Draper	Howard	McInerney	Schmidt	Whitney
Edwards	Joseph	McLaughlin	Schuttæ	Williams
Evans	Klein	Mead	Scott	Wood
Farrar	Lachman	Merritt	Shea	Yale
Fay	Lanahan	Millen	Smith A E	Young E
Filley	Lansing	Miller J L	Smith C	

Ordered, That the Clerk engross said bill and deliver the same to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 2293) entitled "An act to amend chapter three hundred and fifty-six of the Laws of nineteen hundred and seven, entitled 'An act to provide for the construction of intercepting sewers in and for the city of Syracuse.'" (Int. No. 1717.)

On motion of Mr. Hammond, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 109

NOES 00

Those who voted in the affirmative were:

Allen	Foley	Lazarus	Miller W G	Smith F L
Barden	Fowler	Lee	Murphy C F	Smith M
Baumann	Frisbie	Leffingwell	Murray	Spielberg
Baumes	Garbe	Levy A J	Neupert	Staley
Boshart	Geoghegan	Levy J	Nolan	Sullivan
Brady	Goodspeed	Lowe	Odell	Thompson
Brown C F	Graubard	Lowman	Oliver	Thorn
Brown G W	Gray	Lupton	Parker F B	Travis
Burhyte	Gunderman	MacGregor	Parker J S	Waddell
Callan	Haines	Manley	Partridge	Walters
Caughlan	Hammond	Marlatt	Phillips C W	Waters
Cheney	Hamn	Martin	Phillips J S	Weaver
Colné	Hawley	McCue	Reed	Wende
Costello	Hemenway	McElligott	Robinson	White E H
Cuvillier	Herrick	McFarlane	Rozan	White L H
Donnelly	Hoey	McGrath	Sanner	Whitley
Draper	Howard	McInerney	Schmidt	Whitney
Edwards	Joseph	McLaughlin	Schutta	Williams
Evans	Klein	Mead	Scott	Wood
Farrar	Lachman	Merritt	Shea	Yale
Fay	Lanahan	Millen	Smith A E	Young E
Filley	Lansing	Miller J L	Smith C	

Ordered, That the Clerk engross said bill and deliver the same to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 2275) entitled "An act in relation to tax sales heretofore made by the treasurer of the county of Ontario." (Int. No. 1703.)

On motion of Mr. Hemenway, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 112

NOES 00

Those who voted in the affirmative were:

Allen	Farrar	Lansing	Miller J L	Smith C
Barden	Fay	Lazarus	Miller W G	Smith F L
Baumann	Filey	Lee	Murphy F J	Smith M
Baumes	Foley	Leffingwell	Murray	Spielberg
Bohan	Fowler	Levy A J	Neupert	Staley
Boshart	Garbe	Levy J	Nolan	Sullivan
Brady	Geoghegan	Lowe	Odell	Thompson
Brown C F	Goodspeed	Lowman	Oliver	Thorn
Brown G W	Graubard	Lupton	Parker F B	Travis
Burhyte	Gray	MacGregor	Parker J S	Waddell
Callan	Gunderman	Manley	Partridge	Walters
Caughlan	Haines	Marlatt	Phillips C W	Waters
Cheney	Hammond	Martin	Phillips J S	Weaver
Colné	Hamn	McCue	Reed	Wende
Costello	Hawley	McElligott	Robinson	White E H
Cuvillier	Hemenway	McFarlane	Rozan	White L H
De Groot	Herrick	McGrath	Sanner	Whitley
Donnelly	Hoey	McInerney	Schmidt	Whitney
Draper	Howard	McLaughlin	Schutta	Williams
Duell	Joseph	Mead	Scott	Wood
Eagleton	Klein	Merritt	Shea	Yale
Edwards	Lachman	Millen	Smith A E	Young F
Evans	Lanahan			

Ordered, That the Clerk engross said bill and deliver the same to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 2307) entitled "An act to amend the County Law, in relation to the publication of Session Laws and Concurrent Resolutions." (Int. No. 1724.)

On motion of Mr. Hemenway, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 109

NOES 00

Those who voted in the affirmative were:

Allen	Foley	Lazarus	Miller W G	Smith F L
Barden	Fowler	Lee	Murphy F J	Smith M
Baumann	Frisbie	Leffingwell	Murray	Spielberg
Baumes	Garbe	Levy A J	Neupert	Staley
Boshart	Geoghegan	Levy J	Nolan	Sullivan



Brady	Goodspeed	Lowe	Odell	Thompson
Brown C F	Graubard	Lowman	Oliver	Thorn
Brown G W	Gray	Lupton	Parker F B	Travis
Burhyte	Gunderman	MacGregor	Parker J S	Waddell
Callan	Haines	Manley	Partridge	Walters
Caughlan	Hammond	Marlatt	Phillips C W	Waters
Cheney	Hamn	Martin	Phillips J S	Weaver
Colné	Hawley	McCue	Reed	Wende
Costello	Hemenway	McElligott	Robinson	White E H
Cuvillier	Herrick	McFarlane	Rozan	White L H
Donnelly	Hoe	McGrath	Sanner	Whitley
Draper	Howard	McInerney	Schmidt	Whitney
Edwards	Joseph	McLaughlin	Schutta	Williams
Evans	Klein	Mead	Scott	Wood
Farrar	Lachman	Merritt	Shea	Yale
Fay	Lanahan	Millen	Smith A E	Young E
Filley	Lansing	Miller J L	Smith C	

Ordered, That the Clerk engross said bill and deliver the same to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 2308) entitled "An act making an appropriation for the State's proportion of the amounts appropriated for the repair of highways, pursuant to sections ninety and ninety-three of the Highway Law." (Int. No. 1719.)

On motion of Mr. Merritt, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 109

NOES 00

Those who voted in the affirmative were:

Allen	Foley	Lazarus	Miller W G	Smith F L
Barden	Fowler	Lee	Murphy F J	Smith M
Baumann	Frisbie	Leffingwell	Murray	Spielberg
Baumes	Garbe	Levy A J	Neupert	Staley
Boshart	Geoghegan	Levy J	Nolan	Sullivan
Brady	Goodspeed	Lowe	Odell	Thompson
Brown C F	Graubard	Lowman	Oliver	Thorn
Brown G W	Gray	Lupton	Parker F B	Travis
Burhyte	Gunderman	MacGregor	Parker J S	Waddell
Callan	Haines	Manley	Partridge	Walters
Caughlan	Hammond	Marlatt	Phillips C W	Waters
Cheney	Hamn	Martin	Phillips J S	Weaver

Colné	Hawley	McCue	Réed	Wende
Costello	Hemenway	McElligott	Robinson	White E H
Cuvillier	Herrick	McFarlane	Rozan	White L H
Donnelly	Hoey	McGrath	Sanner	Whitley
Draper	Howard	McInerney	Schmidt	Whitney
Edwards	Joseph	McLaughlin	Schutta	Williams
Evans	Klein	Mead	Scott	Wood
Farrar	Lachman	Merritt	Shea	Yale
Fay	Lanahan	Millen	Smith A E	Young E
Filley	Lansing	Miller J L	Smith C	

Ordered, That the Clerk engross said bill and deliver the same to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 1968) entitled "An act to amend sections four hundred and thirty-eight and four hundred and thirty-nine of the Code of Civil Procedure, relative to service of summons without the State or by publication." (Int. No. 1537.)

Said bill having been announced for a second reading,

On motion of Mr. Cuvillier, and by unanimous consent, said bill was ordered placed on the second and third reading calendar for Monday next.

Mr. Speaker announced the special order, being the bill (No. 2091) entitled "An act to authorize the Commissioners of the Land Office to grant or release to the town of Stony Point the right, title and interest of the State in and to a strip of land in the town of Stony Point, Rockland county, New York, for highway purposes." (Int. No. 1593.)

On motion of Mr. Odell, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 110

NOES 00

Those who voted in the affirmative were:

Allen	Filley	Lansing	Miller J L	Smith C
Barden	Foley	Lazarus	Miller W G	Smith F L
Baumann	Fowler	Lee	Murphy F J	Smith M
Baumes	Frisbie	Leffingwell	Murray	Spielberg

Boshart	Garbe	Levy A J	Neupert	Staley
Brady	Geoghegan	Levy J	Nolan	Sullivan
Brown C F	Goodspeed	Lowe	Odell	Thompson
Brown G W	Graubard	Lowman	Oliver	Thorn
Burhyte	Gray	Lupton	Parker F B	Travis
Callan	Gunderman	MacGregor	Parker J S	Waddell
Caughlan	Haines	Manley	Partridge	Walters
Cheney	Hammond	Marlatt	Phillips C W	Waters
Colné	Hamn	Martin	Phillips J S	Weaver
Costello	Hawley	McCue	Reed	Wende
Cuvillier	Hemenway	McElligott	Robinson	White E H
De Groot	Herrick	McFarlane	Rozan	White I H
Donnelly	Hoey	McGrath	Sanner	Whitley
Draper	Howard	McInerney	Schmidt	Whitney
Edwards	Joseph	McLaughlin	Schutta	Williams
Evans	Klein	Mead	Scott	Wood
Farrar	Lachman	Merritt	Shea	Yale
Fay	Lanahan	Millen	Smith A E	Young E

Ordered, That the Clerk engross said bill and deliver the same to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 2310) entitled "An act to amend chapter four of the Laws of eighteen hundred and ninety-one, entitled 'An act to provide for rapid transit railways in cities of over one million inhabitants,' generally." (Int. No. 1725.)

On motion of Mr. Robinson, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 110

NOES 00

Those who voted in the affirmative were:

Allen	Filley	Lansing	Miller J L	Smith C
Barden	Foley	Lazarus	Miller W G	Smith F L
Baumann	Fowler	Lee	Murphy F J	Smith M
Baumes	Frisbie	Leffingwell	Murray	Spielberg
Boshart	Garbe	Levy A J	Neupert	Staley
Brady	Geoghegan	Levy J	Nolan	Sullivan
Brown C F	Goodspeed	Lowe	Odell	Thorn
Brown G W	Graubard	Lowman	Oliver	Travis
Burhyte	Gray	Lupton	Parker F B	Waddell
Callan	Gunderman	MacGregor	Parker J S	Walters
Caughlan	Haines	Manley	Partridge	Waters



Cheney	Hammond	Marlatt	Phillips C W	Weaver
Colné	Hamn	Martin	Phillips J S	Wende
Costello	Hawley	McCue	Reed	White E H
Cuvillier	Hemenway	McFilligott	Robinson	White L H
De Groot	Herrick	McFarlane	Rozan	Whitley
Donnelly	Hoey	McGrath	Sanner	Whitney
Draper	Howard	McInerney	Schmidt	Williams
Edwards	Joseph	McLaughlin	Schutta	Wood
Evans	Klein	Mead	Scott	Yale
Farrar	Lachman	Merritt	Shea	Young E
Fay	Lanahan	Millen	Smith A E	Young F L

Ordered, That the Clerk engross said bill and deliver the same to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 2301) entitled "An act to amend the Liquor Tax Law, being chapter thirty-four of the Consolidated Laws, in relation to traffic in liquors within two hundred feet of a church." (Int. No. 1581.)

Said bill having been announced for a second reading,

On motion of Mr. A. E. Smith, and by unanimous consent, said bill was ordered placed on the second and third reading calendar for Monday next.

Mr. Speaker announced the special order, being the bill (No. 2305) entitled "An act to authorize the police commissioner of the city of New York, in his discretion, to open and inquire into the case of Frank C. Hochfeldt, formerly a patrolman in the police department of said city." (Int. No. 1722.)

On motion of Mr. A. E. Smith, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 109

NOES 00

Those who voted in the affirmative were:

Allen	Foley	Lazarus	Miller W G	Smith F L
Barden	Fowler	Lee	Murphy F J	Smith M
Baumann	Frisbie	Leffingwell	Murray	Spielberg
Boshart	Gerbe	Levy A J	Neupert	Staley
Brady	Geoghegan	Levy J	Nolan	Sullivan

Brown C F	Goodspeed	Lowe	Odell	Thompson
Brown G W	Graubard	Lowman	Oliver	Thorn
Burhyte	Gray	Lupton	Parker F B	Travis
Callan	Gunderman	MacGregor	Parker J S	Waddell
Caughlan	Haines	Manley	Partridge	Walters
Cheney	Hammond	Marlatt	Phillips C W	Waters
Colné	Hamm	Martin	Phillips J S	Weaver
Costello	Hawley	McCue	Reed	Wende
Cuvillier	Hemenway	McElligott	Robinson	White E H
De Groot	Herrick	McFarlane	Rozan	White L H
Donnelly	Hoe	McGrath	Sanner	Whitley
Draper	Howard	McInerney	Schmidt	Whitney
Edwards	Joseph	McLaughlin	Schutta	Williams
Evans	Klein	Mead	Scott	Wood
Farrar	Lachman	Merritt	Shea	Yale
Fay	Lanahan	Millen	Smith A E	Young E
Filley	Lansing	Miller J L	Smith C	

Ordered, That the Clerk engross said bill and deliver the same to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 2283) entitled "An act to amend the Tax Law, relative to the time of making special franchise valuations by the State Board of Tax Commissioners." (Int. No. 1711.)

Said bill having been announced for a second reading,

On motion of Mr. Merritt, said bill was laid aside and ordered stricken from the calendar.

Mr. Speaker announced the special order, being the bill (No. 1845) entitled "An act to amend the Public Health Law, in relation to fees of physicians for making examinations in tuberculosis cases." (Int. No. 1457.)

Said bill having been announced for a second reading,

On motion of Mr. Cuvillier, and by unanimous consent, said bill was ordered placed on the second and third reading calendar for Monday next.

Mr. Speaker announced the special order, being the bill (No. 2265) entitled "An act to amend the Tax Law, in relation to collection of taxes upon mortgages." (Int. No. 1698.)

Said bill having been announced for a second reading,

On motion of Mr. Merritt, and by unanimous consent, said bill was ordered placed on the second and third reading calendar for Monday next.

Mr. Speaker announced the special order, being the bill (No. 2116) entitled "An act to amend the Code of Civil Procedure, in relation to substitutes for personal service on domestic corporations in certain cases." (Int. No. 1607.)

Said bill having been announced for a second reading,

On motion of Mr. Cuvillier, and by unanimous consent, said bill was ordered placed on the second and third reading calendar for Monday next.

Mr. Speaker announced the special order, being the bill (No. 2287) entitled "An act relating to the Capitol Building and a suitable building for the Court of Appeals, and making an appropriation therefor." (Int. No. 1714.)

On motion of Mr. Hemenway, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 110

NOES 00

Those who voted in the affirmative were:

Allen	Filley	Lansing	Miller J L	Smith C
Barden	Foley	Lazarus	Miller W G	Smith F L
Baumann	Fowler	Lee	Murphy F J	Smith M
Baumes	Frisbie	Leffingwell	Murray	Spielberg
Boshart	Garbe	Levy A J	Neupert	Staley
Brady	Geoghegan	Levy J	Nolan	Sullivan
Brown C F	Goodspeed	Lowe	Odell	Thompson
Brown G W	Graubard	Lowman	Oliver	Thorn
Burhyte	Gray	Lupton	Parker F B	Travis
Callan	Gunderman	MacGregor	Parker J S	Waddell
Caughlan	Haines	Manley	Partridge	Walters
Cheney	Hammond	Marlatt	Phillips C W	Waters
Colné	Hamn	Martin	Phillips J S	Weaver
Costello	Hawley	McCue	Reed	Wende
Cuvillier	Hemenway	McElligott	Robinson	White E H
De Groot	Herrick	McFarlane	Rozan	White L H
Donnelly	Hoey	McGrath	Sanner	Whitley
Draper	Howard	McInerney	Schmidt	Whitney
Edwards	Joseph	McLaughlin	Schutta	Williams
Evans	Klein	Mead	Scott	Wood
Farrar	Lachman	Merritt	Shea	Yale
Fay	Lanahan	Millen	Smith A E	Young E

Ordered, That the Clerk engross said bill and deliver the same to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the Senate bill (No. 931) entitled "An act authorizing an inquiry into the ques-



tion as to providing terminal facilities on the canals of this State, with a view of ultimately improving and fostering the commerce of the State, and making an appropriation therefor." (Rec. No. 140.)

Said bill having been announced for a second reading,

On motion of Mr. MacGregor, and by unanimous consent, said bill was ordered placed on the second and third reading calendar for Tuesday next.

The Speaker announced the special order, being the Senate bill (No. 1007, Assembly reprint No. 2302) entitled "An act to amend chapter one hundred and five of the Laws of eighteen hundred and ninety-one, entitled 'An act to revise the charter of the city of Buffalo,' in relation to permits to carry pistols, and in relation to the police pension fund." (Rec. No. 210.)

Said bill having been announced for a second reading,

On motion of Mr. MacGregor, and by unanimous consent, said bill was ordered placed on the second and third reading calendar for Tuesday next.

Mr. Speaker announced the special order, being the Senate bill (No. 915) entitled "An act to amend section twenty-seven of chapter twenty-two of the Laws of nineteen hundred and nine, entitled 'An act in relation to the elections, constituting chapter seventeen of the Consolidated Laws,' relating to primary elections." (Rec. No. 139.)

Said bill having been announced for a second reading,

On motion of Mr. MacGregor, and by unanimous consent, said bill was ordered placed on the second and third reading calendar for Tuesday next.

Mr. Speaker announced the special order, being the Senate bill (No. 847) entitled "An act to amend chapter twenty-two of the Laws of nineteen hundred and nine, entitled 'An act in relation to the elections, constituting chapter seventeen of the Consolidated Laws,' relating to voting machines." (Rec. No. 175.)

On motion of Mr. MacGregor, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 111

NOES 00

Those who voted in the affirmative were:

Allen	Foley	Lazarus	Miller W G	Smith F L
Barden	Fowler	Lee	Murphy F J	Smith M
Baumann	Frisbie	Leffingwell	Murray	Spielberg
Baumes	Garbe	Levy A J	Neupert	Staley
Boshart	Geoghegan	Levy J	Nolan	Sullivan
Brady	Goodspeed	Lowe	Odell	Surpless
Brown C F	Graubard	Lowman	Oliver	Thompson
Brown G W	Gray	Lupton	Parker F B	Thorn
Burhyte	Gunderman	MacGregor	Parker J S	Travis
Callan	Haines	Manley	Partridge	Waddell
Caughlan	Hammond	Marlatt	Phillips C W	Walters
Cheney	Hamn	Martin	Phillips J S	Waters
Colne	Hawley	McCue	Reed	Weaver
Costello	Hemenway	McElligott	Robinson	Wende
Cuvillier	Herrick	McFarlane	Rozan	White E H
De Groot	Hoey	McGrath	Sanner	White L H
Donnelly	Howard	McInerney	Schmidt	Whitley
Draper	Joseph	McLaughlin	Schutta	Whitney
Edwards	Klein	Mead	Scott	Williams
Evans	Lachman	Merritt	Shea	Wood
Farrar	Lanahan	Millen	Smith A E	Yale
Fay	Lansing	Miller J L	Smith C	Young E
Filley				

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1321) entitled "An act to amend chapter twenty-nine of the Laws of nineteen hundred and eight, entitled 'An act to incorporate the city of Glens Falls,' generally." (Rec. No. 271.)

On motion of Mr. Waddell, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 110

NOES 00

Those who voted in the affirmative were:

Allen	Fillee	Lansing	Miller J L	Smith C
Barden	Foley	Lazarus	Miller W G	Smith F L
Baumann	Fowler	Lee	Murphy F J	Smith M
Baumes	Frisbie	Leffingwell	Murray	Spielberg
Boshart	Garbe	Levy A J	Neupert	Staley
Brady	Geoghegan	Levy J	Nolan	Sullivan
Brown C F	Goodspeed	Lowe	Odell	Thompson
Brown G W	Graubard	Lowman	Oliver	Thorn
Burhyte	Gray	Lupton	Parker F B	Travis
Callan	Gunderman	MacGregor	Parker J S	Waddell
Caughlan	Haines	Manley	Partridge	Walters
Cheney	Hammond	Marlatt	Phillips C W	Waters
Colné	Hamn	Martin	Phillips J S	Weaver
Costello	Hawley	McCue	Reed	Wende
Cuvillier	Hemenway	McElligott	Robinson	White E H
De Groot	Herrick	McFarlane	Rozan	White L H
Donnelly	Hoey	McGrath	Sanner	Whitley
Draper	Howard	McInerney	Schmidt	Whitney
Edwards	Joseph	McLaughlin	Schutta	Williams
Evans	Klein	Mead	Scott	Wood
Farrar	Lachman	Merritt	Shea	Yale
Fay	Lanahan	Millen	Smith A E	Young E

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1148) entitled "An act to amend the General Insurance Law, being chapter twenty-eight of the Consolidated Laws, relative to securities guaranty corporations." (Rec. No. 273.)

On motion of Mr. Hamn, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 110

NOES 00

Those who voted in the affirmative were:

Allen	Fillee	Lansing	Miller J L	Smith C
Barden	Foley	Lazarus	Miller W G	Smith F L
Baumann	Fowler	Lee	Murphy F J	Smith M
Baumes	Frisbie	Leffingwell	Murray	Spielberg



Boshart	Garbe	Levy A J	Neupert	Staley
Brady	Geoghegan	Levy J	Nolan	Sullivan
Brown C F	Goodspeed	Lowe	Odell	Thompson
Brown G W	Graubard	Lowman	Oliver	Thorn
Burhyte	Gray	Lupton	Parker F B	Travis
Callan	Gunderman	MacGregor	Parker J S	Waddell
Caughlan	Haines	Manley	Partridge	Walters
Cheney	Hammond	Marlatt	Phillips C W	Waters
Colné	Hamn	Martin	Phillips J S	Weaver
Costello	Hawley	McCue	Reed	Wende
Cuvillier	Hemenway	McElligott	Robinson	White E H
De Groot	Herrick	McFarlane	Rozan	White L H
Donnelly	Hoey	McGrath	Sanner	Whitley
Draper	Howard	McInerney	Schmidt	Whitney
Edwards	Joseph	McLaughlin	Schutta	Williams
Evans	Klein	Mead	Scott	Wood
Farrar	Lachman	Merritt	Shea	Yale
Fay	Lanahan	Millen	Smith A E	Young E

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1131) entitled "An act to amend the Code of Criminal Procedure, in relation to the mode of selection of grand jurors." (Rec. No. 287.)

On motion of Mr. Waters, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 111

NOES 00

Those who voted in the affirmative were:

Allen	Fowler	Lee	Murphy F J	Smith C
Barden	Frisbie	Leffingwell	Murray	Smith F L
Baumann	Garbe	Levy A J	Neupert	Smith M
Baumes	Geoghegan	Levy J	Nolan	Spielberg
Boshart	Goodspeed	Lowe	Odell	Staley
Brady	Graubard	Lowman	Oliver	Sullivan
Brown C F	Gray	Lupton	Parker F B	Thompson
Brown G W	Gunderman	MacGregor	Parker J S	Thorn
Burhyte	Haines	Manley	Partridge	Travis
Callan	Hammond	Marlatt	Phillips C W	Waddell
Caughlan	Joseph	Martin	Phillips J S	Walters

Cheney	Hamn	McCue	Reed	Waters
Colné	Hawley	McElligott	Robinson	Weaver
Costello	Hemenway	McFarlane	Rozan	Wende
Cuvillier	Herrick	McGrath	Sanner	White E H
De Groot	Hoey	McInerney	Schmidt	White L H
Donnelly	Howard	McLaughlin	Schutta	Whitley
Draper	Joseph	Mead	Scott	Whitney
Edwards	Klein	Merritt	Shea	Williams
Evans	Lachman	Millen	Sheridan	Wood
Farrar	Lanahan	Miller J L	Silbermann	Yale
Fay	Lansing	Miller W G	Smith A E	Young E
Filley	Lazarus			

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1381) entitled "An act creating a bureau of buildings in the city of Albany." (Rec. No. 289.)

On motion of Mr. Nolan, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 110

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Lansing	Miller J L	Smith C
Barden	Filley	Lazarus	Miller W G	Smith F L
Baumann	Foley	Lee	Murphy F J	Smith M
Baumes	Fowler	Leffingwell	Murray	Spielberg
Boshart	Frisbie	Levy A J	Neupert	Staley
Brady	Garbe	Levy J	Nolan	Sullivan
Brown C F	Geoghegan	Lowe	Odell	Thompson
Brown G W	Goodspeed	Lowman	Oliver	Thorn
Burhyte	Grubard	Lupton	Parker F B	Travis
Callan	Gray	MacGregor	Parker J S	Waddell
Caughlan	Gunderman	Manley	Partridge	Walters
Cheney	Haines	Marlatt	Phillips C W	Waters
Colné	Hammond	Martin	Phillips J S	Weaver
Costello	Hamn	McCue	Reed	Wende
Cuvillier	Hawley	McElligott	Robinson	White E H
De Groot	Hemenway	McFarlane	Rozan	White L H
Donnelly	Herrick	McGrath	Sanner	Whitley
Draper	Hoey	McInerney	Schmidt	Whitney

Edwards	Howard	McLaughlin	Schutta	Williams
Evans	Klein	Mead	Scott	Wood
Farrar	Lachman	Merritt	Shea	Yale
Foley	Lanahan	Millen	Smith A E	Young E

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1420) entitled "An act to amend chapter four hundred and sixty-six of the Laws of nineteen hundred and four, entitled 'An act in relation to street improvements in the city of Albany,' relating to the apportionment of the expense of improvements." (Rec. No. 288.)

On motion of Mr. Nolan, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 111

NOES 00

Those who voted in the affirmative were:

Allen	Foley	Lazarus	Miller J L	Smith C
Barden	Fowler	Lee	Miller W G	Smith F L
Baumann	Frisbie	Leffingwell	Murphy F J	Smith M
Baumes	Garbe	Levy A J	Murray	Spielberg
Boshart	Geoghegan	Levy J	Neupert	Staley
Brady	Goodspeed	Lowe	Nolan	Sullivan
Brown C F	Graubard	Lowman	Odell	Thompson
Brown G W	Gray	Lupton	Oliver	
Burhyte	Gunderman	MacGregor	Parker F B	Travis
Callan	Haines	Manley	Parker J S	Waddell
Caughlan	Hammond	Marks	Partridge	Walters
Cheney	Hamn	Marlatt	Phillips C W	Waters
Colné	Hawley	Martin	Phillips J S	Weaver
Costello	Hemenway	McCue	Reed	Wende
Cuvillier	Herrick	McElligott	Robinson	White E H
De Groot	Hoey	McFarlane	Rozan	White L H
Donnelly	Howard	McGrath	Sanner	Whitley
Draper	Joseph	McInerney	Schmidt	Whitney
Edwards	Klein	McLaughlin	Schutta	Williams
Evans	Lachman	Mead	Scott	Wood
Farrar	Lanahan	Merritt	Shea	Yale
Fay	Lansing	Millen	Smith A E	Young E
Fillee				



Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1223) entitled "An act to amend chapter six hundred and seventy-one of the Laws of eighteen hundred and ninety-two, entitled 'An act to revise, consolidate and amend the several acts relating to the government of the city of Cohoes,' in relation to the collection of taxes." (Rec. No. 232.)

On motion of Mr. Waters, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 111

NOES 00

Those who voted in the affirmative were:

Allen	Filley	Lansing	Miller J L	Smith C
Barden	Foley	Lazarus	Miller W G	Smith F L
Baumann	Fowler	Lee	Murphy F J	Smith M
Baumes	Frisbie	Leffingwell	Murray	Spielberg
Boshart	Garbe	Levy A J	Neupert	Staley
Brady	Geoghegan	Levy J	Nolan	Sullivan
Brennan	Goodspeed	Lowe	Odell	Thompson
Brown C F	Graubard	Lowman	Oliver	Thorn
Brown G W	Gray	Lupton	Parker F B	Travis
Burhyte	Gunderman	MacGregor	Parker J S	Waddell
Callan	Haines	Manley	Partridge	Walters
Caughlan	Hammond	Marlatt	Phillips C W	Waters
Cheney	Hamn	Martin	Phillips J S	Weaver
Colné	Hawley	McCue	Reed	Wende
Costello	Herrenway	McElligott	Robinson	White E H
Cuvillier	Herrick	McFarlane	Rozan	White L H
De Groot	Hoey	McGrath	Sanner	Whitley
Donnelly	Howard	McInerney	Schmidt	Whitney
Draper	Joseph	McLaughlin	Schutta	Williams
Edwards	Klein	Mead	Scott	Wood
Evans	Lachman	Merritt	Shea	Yale
Farrar	Lanahan	Millen	Smith A E	Young E
Fay				

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 75) entitled "An act providing for the erection of a State armory and stable in the city of Albany, the acquisition of a site therefor and making an appropriation for building said armory and stable." (Rec. No. 212.)

On motion of Mr. Nolan, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 110

NOES 00

Those who voted in the affirmative were:

Allen	Filley	Lansing	Miller J L	Smith C
Barden	Foley	Lazarus	Miller W G	Smith F L
Baumann	Fowler	Lee	Murphy F J	Smith M
Baumes	Frisbie	Leffingwell	Murray	Spielberg
Boshart	Garbe	Levy A J	Neupert	Staley
Brady	Geoghegan	Levy J	Nolan	Sullivan
Brown C F	Goodspeed	Lowe	Odell	Thompson
Brown G W	Graubard	Lowman	Oliver	Thorn
Burhyte	Gray	Lupton	Parker F B	Travis
Callan	Gunderman	MacGregor	Parker J S	Waddell
Caughlan	Haines	Manley	Partridge	Walters
Cheney	Hammond	Marlatt	Phillips C W	Waters
Colné	Hamn	Martin	Phillips J S	Weaver
Costello	Hawley	McCue	Reed	Wende
Cuvillier	Hemenway	McElligott	Robinson	White E H
De Groot	Herrick	McFarlane	Rozan	White L H
Donnelly	Hoey	McGrath	Sanner	Whitley
Draper	Howard	McInerney	Schmidt	Whitney
Edwards	Joseph	McLaughlin	Schutta	Williams
Evans	Klein	Mead	Scott	Wood
Farrer	Lachman	Merritt	Shea	Yale
Fay	Lanahan	Millen	Smith A E	Young E

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1315) entitled "An act to amend section sixteen hundred and seventy-four of the Code of Civil Procedure, in relation to the cancellation of lis pendens." (Rec. No. 244.)

Said bill having been announced for a second reading,

On motion of Mr. J. S. Phillips, and by unanimous consent, said bill was ordered placed on the second and third reading calendar for Monday next.

Mr. Speaker announced the special order, being the Senate bill (No. 1120) entitled "An act to expedite the work of improving the Oswego canal by providing for a suspension of navigation during the year nineteen hundred and nine." (Rec. No. 227.)

On motion of Mr. C. Smith, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 110

NOES 00

Those who voted in the affirmative were:

Allen	Filley	Lansing	Miller J L	Smith C
Barden	Foley	Lazarus	Miller W G	Smith F L
Baumann	Fowler	Lee	Murphy F J	Smith M
Baumes	Frisbie	Leffingwell	Murray	Spielberg
Boshart	Garbe	Levy A J	Neupert	Staley
Brady	Geoghegan	Levy J	Nolan	Sullivan
Brown C F	Goodspeed	Lowe	Odell	Thompson
Brown G W	Graubard	Lowman	Oliver	Thorn
Burhyte	Gray	Lupton	Parker F B	Travis
Callan	Gunderman	MacGregor	Parker J S	Waddell
Caughlan	Haines	Manley	Partridge	Walters
Cheney	Hammond	Marlatt	Phillips C W	Waters
Colné	Hamm	Martin	Phillips J S	Weaver
Costello	Hawley	McCue	Reed	Wende
Cuvillier	Hemenway	McElligott	Robinson	White E H
De Groot	Herrick	McFarlane	Rozan	White L H
Donnelly	Hoey	McGrath	Sanner	Whitley
Draper	Howard	McInerney	Schmidt	Whitney
Edwards	Joseph	McLaughlin	Schutta	Williams
Evans	Klein	Mead	Scott	Wood
Farrar	Lachman	Merritt	Shea	Yale
Fay	LANAHAN	Millen	Smith A E	Young E

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.



Mr. Speaker announced the special order, being the Senate bill (No. 528) entitled "An act to amend section fifteen hundred and forty-three-a of the Greater New York charter, in relation to employees in the office of the borough president or any of the bureaux thereof." (Rec. No. 254.)

On motion of Mr. Oliver, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 110

NOES 00

Those who voted in the affirmative were:

Allen	Filley	Lansing	Miller J L	Smith C
Barden	Foley	Lazarus	Miller W G	Smith F L
Baumann	Fowler	Lee	Murphy F J	Smith M
Baumes	Francis	Leffingwell	Murray	Spielberg
Boshart	Garbe	Levy A J	Neupert	Staley
Brady	Geoghegan	Levy J	Nolan	Sullivan
Brown C F	Goodspeed	Lowe	Odell	Thompson
Brown G W	Graubard	Lowman	Oliver	Thorn
Burhyte	Gray	Lupton	Parker F B	Travis
Callan	Gunderman	MacGregor	Parker J S	Waddell
Caughlan	Haines	Manley	Partridge	Walters
Cheney	Hammond	Marlatt	Phillips C W	Waters
Colné	Hamn	Martin	Phillips J S	Weaver
Costello	Hawley	McCue	Reed	Wende
Cuvillier	Hemenway	McElligott	Robinson	White E H
De Groot	Herrick	McFarlane	Rozan	White L H
Donnelly	Hoey	McGrath	Sanner	Whitley
Draper	Howard	McInerney	Schmidt	Whitney
Edwards	Joseph	McLaughlin	Schutta	Williams
Evans	Klein	Mead	Scott	Wood
Farrar	Lachman	Merritt	Shea	Yale
Fay	Lanahan	Millen	Smith A E	Young E

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 924) entitled "An act to amend the Code of Civil Procedure, relative to motions upon pleadings." (Rec. No. 154.)

Said bill having been announced for a second reading,

On motion of Mr. Cuvillier, and by unanimous consent, said bill was ordered placed on the second and third reading calendar for Tuesday next.

Mr. Speaker announced the special order, being the Senate bill (No. 199) entitled "An act to amend the Code of Civil Procedure, as to proceedings after trial of a demurrer." (Rec. No. 153.)

Said bill having been announced for a second reading,

On motion of Mr. Cuvillier, and by unanimous consent, said bill was ordered placed on the second and third reading calendar for Tuesday next.

Mr. Speaker announced the special order, being the Senate bill (No. 1079) entitled "An act to amend the Code of Civil Procedure, in relation to appeals to the Court of Appeals." (Rec. No. 214.)

Said bill having been announced for a second reading,

On motion of Mr. Cuvillier, and by unanimous consent, said bill was ordered placed on the second and third reading calendar for Tuesday next.

Mr. Speaker announced the special order, being the Senate bill (No. 345) entitled "An act authorizing and empowering the comptroller of the city of Buffalo to open a special work account, and authorizing the city to issue or award its bonds for the purpose of raising money therefor." (Rec. No. 32.)

Said bill having been announced for a second reading,

On motion of Mr. MacGregor, and by unanimous consent, said bill was ordered placed on the second and third reading calendar for Tuesday next.

Mr. Speaker announced the special order, being the Senate bill (No. 1023) entitled "An act to amend the Civil Service Law, in relation to the officers and employees of the Commission." (Rec. No. 188.)

On motion of Mr. Hemenway, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 109

NOES 00

Those who voted in the affirmative were:

Allen	Fille	Lansing	Miller J L	Smith C
Barden	Foley	Lazarus	Miller W G	Smith F L
Baumann	Fowler	Lee	Murphy F J	Smith M
Baumes	Frisbie	Leffingwell	Murray	Spielberg
Boshart	Garbe	Levy A J	Neupert	Staley
Brady	Geoghegan	Levy J	Nolan	Sullivan
Brown C F	Goodspeed	Lowe	Odell	Thompson
Brown G W	Graubard	Lowman	Oliver	Thorn
Burhyte	Gray	Lupton	Parker F B	Waddell
Callan	Gunderman	MacGregor	Parker J S	Walters
Caughlan	Haines	Manley	Partridge	Waters
Cheney	Hammond	Marlatt	Phillips C W	Weaver
Colné	Hamn	Martin	Phillips J S	Wende
Costello	Hawley	McCue	Reed	White E H
Cuvillier	Hemenway	McElligott	Robinson	White L F
De Groot	Herrick	McFarlane	Rozan	Whitley
Donnelly	Hoey	McGrath	Sanner	Whitney
Draper	Howard	McInerney	Schmidt	Williams
Edwards	Joseph	McLaughlin	Schutta	Wood
Evans	Klein	Mead	Scott	Yale
Farrar	Lachman	Merritt	Shea	Young E
Fay	Lanahan	Millen	Smith A E	

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 888) entitled "An act to amend the Village Law, in relation to power of a village board of trustees to license peddlers and hawkers." (Rec. No. 163.)

On motion of Mr. Leffingwell, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the



affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 109

NOES 1

Those who voted in the affirmative were:

Allen	Filley	Lansing	Miller J L	Smith F L
Barden	Foley	Lazarus	Miller W G	Smith M
Baumann	Fowler	Lee	Murphy F J	Spielberg
Baumes	Frisbie	Leffingwell	Murray	Staley
Boshart	Garbe	Levy A J	Neupert	Sullivan
Brady	Geoghegan	Levy J	Nolan	Thompson
Brown C F	Goodspeed	Lowe	Odell	Thorn
Brown G W	Graubard	Lowman	Oliver	Travis
Burhyte	Gray	Lupton	Parker F B	Waddell
Callan	Gunderman	MacGregor	Parker J S	Walters
Caughlan	Haines	Manley	Partridge	Waters
Cheney	Hammond	Marlatt	Phillips C W	Weaver
Colné	Hamn	Martin	Reed	Wende
Costello	Hawley	McCue	Robinson	White E H
Cuvillier	Hemenway	McElligott	Rozan	White L H
De Groot	Herrick	McFarlane	Sanner	Whitley
Donnelly	Hoey	McGrath	Schmidt	Whitney
Draper	Howard	McInerney	Schutta	Williams
Edwards	Joseph	McLaughlin	Scott	Wood
Evans	Klein	Mead	Shea	Yale
Farrar	Lachman	Merritt	Smith A E	Young E
Fay	Lanahan	Millen	Smith C	

In the negative:

Phillips J S

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 813) entitled "An act to release the interest of the people of the State of New York in the estate of Mary F. Dowling, deceased, late of Chaucey, Westchester county, New York, both real and personal, to Amelia M. Frost, her heirs and assigns forever." (Rec. No. 121.)

On motion of Mr. Haines, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirma-

tive, two-thirds of all the members elected to the Assembly voting in favor thereof.

AYES 112

NOES 00

Those who voted in the affirmative were:

Allen	Foley	Lee	Murphy F J	Smith C
Barden	Fowler	Leffingwell	Murray	Smith F L
Baumann	Frisbie	Levy A J	Neupert	Smith M
Baumes	Garbe	Levy J	Nolan	Spielberg
Boshart	Geoghegan	Lowe	Odell	Staley
Brady	Goodspeed	Lowman	Oliver	Sullivan
Brown C F	Graubard	Lupton	Parker F B	Thompson
Brown G W	Gray	MacGregor	Parker J S	Thorn
Burhyte	Gunderman	Manley	Partridge	Travis
Callan	Haines	Marlatt	Phillips C W	Waddell
Caughlan	Hammond	Martin	Phillips J S	Walters
Cheney	Hamm	McCue	Reed	Waters
Colne	Hawley	McElligott	Robinson	Weaver
Costello	Hemenway	McFarlane	Rozan	Wende
Cuvillier	Herrick	McGrath	Sanner	White E H
De Groot	Hoey	McInerney	Schmidt	White L H
Donnelly	Howard	McLaughlin	Schutta	Whitley
Draper	Joseph	Mead	Scott	Whitney
Edwards	Klein	Merritt	Shea	Williams
Evans	Lachman	Millen	Sheridan	Wood
Farrar	Lanahan	Miller J L	Silbermann	Yale
Fay	Lansing	Miller W G	Smith A E	Young E
Filley	Lazarus			

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 857) entitled "An act to amend the County Law, in relation to trusts for maintenance of cemetery lots and appurtenances." (Rec. No. 207.)

On motion of Mr. Draper, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof and three-fifths being present.

AYES 113

NOES 00

Those who voted in the affirmative were:

Allen	Fellows	Lansing	Miller W G	Smith F L
Barden	Filley	Lazarus	Murphy F J	Smith M
Baumann	Foley	Lee	Murray	Spielberg
Baumes	Fowler	Leffingwell	Neupert	Staley
Boshart	Frisbie	Levy A J	Nolan	Sullivan
Brady	Garbe	Levy J	Odell	Surpless
Brennan	Geoghegan	Lowe	Oliver	Thompson
Brown C F	Goodspeed	Lowman	Parker F B	Thorn
Brown G W	Graubard	Lupton	Parker J S	Travis
Burhyte	Gray	MacGregor	Partridge	Waddell
Callan	Gunderman	Manley	Phillips C W	Walters
Caughlan	Haines	Marlatt	Phillips J S	Waters
Cheney	Hammond	Martin	Reed	Weaver
Colné	Hamn	McCue	Robinson	Wende
Costello	Hawley	McElligott	Rozan	White E H
Cuvillier	Hemenway	McFarlane	Sanner	White L H
De Groot	Herrick	McGrath	Schmidt	Whitley
Donnelly	Hoey	McInerney	Schutta	Whitney
Draper	Howard	McLaughlin	Scott	Williams
Edwards	Joseph	Mead	Shea	Wood
Evans	Klein	Merritt	Smith A E	Yale
Farrar	Lachman	Millen	Smith C	Young E
Fay	Lanahan	Miller J L		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 444) entitled "An act to authorize and empower the comptroller of the city of New York, in his discretion, to cancel and annul certain assessments in said city." (Rec. No. 240.)

On motion of Mr. A. E. Smith, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.



AYES 113

NOES 00

. Those who voted in the affirmative were:

Allen	Foley	Lazarus	Murphy F J	Smith F L
Barden	Fowler	Lee	Murray	Smith M
Baumann	Francis	Leffingwell	Neupert	Spielberg
Baumes	Frisbie	Levy A J	Nolan	Staley
Boshart	Garbe	Levy J	Odell	Sullivan
Brady	Geoghegan	Lowe	Oliver	Thompson
Brown C F	Goodspeed	Lowman	Parker F B	Thorn
Brown G W	Graubard	Lupton	Parker J S	Travis
Burhyte	Gray	MacGregor	Partridge	Waddell
Callan	Gunderman	Manley	Phillips C W	Walters
Caughlan	Haines	Marlatt	Phillips J S	Ward
Cheney	Hammond	Martin	Reed	Waters
Colné	Hamm	McCue	Robinson	Weaver
Costello	Hawley	McElligott	Roza	Wende
Cuvillier	Hemenway	McFarlane	Sanner	White E H
De Groot	Herrick	McGrath	Sargent	White L H
Donnelly	Hoey	McInerney	Schmidt	Whitley
Draper	Howard	McLaughlin	Schutta	Whitney
Edwards	Joseph	Mead	Scott	Williams
Evans	Klein	Merritt	Shea	Wood
Farrar	Lachman	Millen	Smith A E	Yale
Fay	Lanahan	Miller J L	Smith C	Young E
Filley	Lansing	Miller W G		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

The Senate returned the Assembly bill (No. 1506, Senate reprint No. 1379, Int. No. 570), entitled "An act to amend chapter one hundred and thirty-one of the Laws of eighteen hundred and eighty-five, entitled 'An act to incorporate the city of Amsterdam,' generally," with a message that they have concurred in the passage of the same, with the following amendments:

Page 3, line 3, strike out the word "directed".

Page 3, line 3, after the word "empowered" insert "in its discretion".

Commencing with section 2, on page 3, down to and including section 81b, on page 25, strike out all brackets and matter in brackets and change all italics to common type as these sections are all new matter and not existing law.

Mr. Marlatt moved to concur in the Senate amendments.

Mr. Speaker put the question whether the House would concur in said amendments, said bill having been printed and upon the desks of the members in its final form at least three calendar legis-

lative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 110

NOES 00

Those who voted in the affirmative were:

Allen	Filley	Lansing	Miller J L	Smith C
Barden	Foley	Lazarus	Miller W G	Smith F L
Baumaun	Fowler	Lee	Murphy F J	Smith M
Baumes	Frisbie	Leffingwell	Murray	Spielberg
Boshart	Garbe	Levy A J	Neupert	Staley
Brady	Geoghegan	Levy J	Nolan	Sullivan
Brown C F	Goodspeed	Lowe	Odell	Thompson
Brown G W	Graubard	Lowman	Oliver	Thorn
Burhyte	Gray	Lupton	Parker F B	Travis
Callan	Gunderman	MacGregor	Parker J S	Waddell
Caughlan	Haines	Manley	Partridge	Walters
Cheney	Hammond	Marlatt	Phillips C W	Waters
Colné	Hamm	Martin	Phillips J S	Weaver
Costello	Hawley	McCue	Reed	Wende
Cuvillier	Hemenway	McElligott	Robinson	White E H
De Groot	Herrick	McFarlane	Rozan	White L H
Donnelly	Hoey	McGrath	Sanner	Whitley
Draper	Howard	McInerney	Schmidt	Whitney
Edwards	Joseph	McLaughlin	Schutt	Williams
Evans	Klein	Mead	Scott	Wood
Farrar	Lachman	Merritt	Shea	Yale
Fay	Lanahan	Millen	Smith A E	Young E

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendments of the Senate thereto.

The Senate returned the Assembly bill (No. 1380, Senate reprint No. 1369, Int. No. 1192), entitled "An act to amend the Penal Law, in relation to the unauthorized use of automobiles or other motor vehicles," with a message that they have concurred in the passage of the same, with the following amendments:

(Senate Printed No. 1173.)

Page 1, line 5, strike out the word "two" and insert the word "a".

Page 1, line 5, strike out the letter "s" at the end of the word "subdivisions".

Page 1, line 6, strike out the letter "s" at the end of the word "subdivisions", and strike out the words "fourteen-b".

Page 1, strike out all of lines 8, 9 and 10.

Page 2, line 1, strike out "14-b" and insert "14-a".

(Senate Printed No. 1369.)

In the title strike out the words "to tampering with vehicles and", and after the word "of" insert "automobiles or other motor".

Page 2, line 2, strike out the word "or" at end of line.

Page 2, line 2, after the word "automobile," insert "or other".

Page 2, line 3, strike out the words "any other kind of vehicle".

Mr. Robinson moved to concur in the Senate amendments.

Mr. Speaker put the question whether the House would concur in said amendments, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 110

NOES 00

Those who voted in the affirmative were:

Allen	Filley	Lansing	Miller J L	Smith C
Barden	Foley	Lazarus	Miller W G	Smith F L
Baumann	Fowler	Lee	Murphy F J	Smith M
Baumes	Frisbie	Leffingwell	Murray	Spielberg
Boshart	Garbe	Levy A J	Neupert	Staley
Brady	Geoghegan	Levy J	Nolan	Sullivan
Brown C F	Goodspeed	Lowe	Odell	Thompson
Brown G W	Graubard	Lowman	Oliver	Thorn
Burhyte	Gray	Lupton	Parker F B	Travis
Callan	Gunderman	MacGregor	Parker J S	Waddell
Caughlan	Haines	Manley	Partridge	Walters
Cheney	Hammond	Marlatt	Phillips C W	Waters
Colné	Hamn	Martin	Phillips J S	Weaver
Costello	Hawley	McCue	Reed	Wende
Cuvillier	Hemenway	McElligott	Robinson	White E H
De Groot	Herrick	McFarlane	Rozan	White L H
Donnelly	Hoey	McGrath	Sanner	Whitley
Draper	Howard	McInerney	Schmidt	Whitney
Edwards	Joseph	McLaughlin	Schutta	Williams
Evans	Klein	Mead	Scott	Wood
Farrar	Lachman	Merritt	Shea	Yale
Fay	Lanahan	Millen	Smith A E	Young E

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendments of the Senate thereto.

The Senate returned the Assembly bill (No. 1305, Senate reprint No. 1371, Int. No. 976), entitled 'An act to confirm the acts of commissioners appointed to lay out and assess damages upon the opening of a public highway in the town of New Castle,



in Westchester county; to legalize and confirm the acts and proceedings of David L. Barnum and Frank T. Bailey, as commissioners of highways of said town; to authorize the town board of auditors of said town to audit the contracts in relation to the building of said highway; and to authorize the said town to pay for the construction of said highway; and to raise money therefor," with a message that they have concurred in the passage of the same, with the following amendments:

Page 2, line 24, after the word "binding" insert "and final".

Page 2, line 24, after the word "respects" insert "both".

Page 2, line 25, after the word "Castle" insert "and on the said Martin Niland".

Page 3, line 2, after the word "Castle" insert "such sums only as said town auditors shall determine to be due him".

Mr. Weaver moved to concur in the Senate amendments.

Mr. Speaker put the question whether the House would concur in said amendments, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof and three-fifths being present.

AYES 111

NOES 00

Those who voted in the affirmative were:

Allen	Filley	Lansing	Miller J L	Smith C
Barden	Foley	Lazarus	Miller W G	Smith F L
Baumann	Fowler	Lee	Murphy F J	Smith M
Baumes	Frisbie	Leffingwell	Murray	Spielberg
Boshart	Garbe	Levy A J	Neupert	Staley
Brady	Geoghegan	Levy J	Nolan	Sullivan
Brown C F	Goodspeed	Lowe	Odell	Thompson
Brown G W	Graubard	Lowman	Oliver	Thorn
Burhyte	Gray	Lupton	Parker F B	Travis
Callan	Gunderman	MacGregor	Parker J S	Waddell
Caughlan	Haines	Manley	Partridge	Walters
Cheney	Hammond	Marlatt	Phillips C W	Waters
Colné	Hamn	Martin	Phillips J S	Weaver
Conklin	Hawley	McCue	Reed	Wende
Costello	Hemenway	McElligott	Robinson	White E H
Cuvillier	Herrick	McFarlane	Rozan	White L H
De Groot	Hoey	McGrath	Sanner	Whitley
Donnelly	Howard	McInerney	Schmidt	Whitney
Draper	Joseph	McLaughlin	Schutta	Williams
Edwards	Klein	Mead	Scott	Wood
Evans	Lachman	Merritt	Shea	Yale
Farrar	Lanahan	Millen	Smith A E	Young E
Fay				

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendments of the Senate thereto.

The Senate returned the Assembly bill (No. 1752, Senate reprint No. 1368, Int. No. 732), entitled "An act to amend the Agricultural Law, in relation to the giving of bonds by manufacturers and shippers of butter, cheese and milk," with a message that they have concurred in the passage of the same, with the following amendments:

Page 2, line 2, after the word "business" insert "and".

Mr. Merritt moved to concur in the Senate amendment.

Mr. Speaker put the question whether the House would concur in said amendment, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 110

NOES 00

Those who voted in the affirmative were:

Allen	Filley	Lansing	Miller J L	Smith C
Barden	Foley	Lazarus	Miller W G	Smith F L
Baumann	Fowler	Lee	Murphy F J	Smith M
Baumes	Frisbie	Leffingwell	Murray	Spielberg
Boshart	Garbe	Levy A J	Neupert	Staley
Brady	Geoghegan	Levy J	Nolan	Sullivan
Brown C F	Goodspeed	Lowe	Odell	Thompson
Brown G W	Graubard	Lowman	Oliver	Thorn
Burhyte	Gray	Lupton	Parker F B	Travis
Callan	Gunderman	MacGregor	Parker J S	Waddell
Caughlan	Haines	Manley	Partridge	Walters
Cheney	Hammond	Marlatt	Phillips C W	Waters
Colné	Hamn	Martin	Phillips J S	Weaver
Costello	Hawley	McCue	Reed	Wende
Cuvillier	Hemenway	McElligott	Robinson	White E H
De Groot	Herrick	McFarlane	Rozan	White L H
Donnelly	Hoey	McGrath	Sanner	Whitley
Draper	Howard	McInerney	Schmidt	Whitney
Edwards	Joseph	McLaughlin	Schutta	Williams
Evans	Klein	Mead	Scott	Wood
Farrer	Lachman	Merritt	Shea	Yale
Fay	Lanahan	Millen	Smith A E	Young E

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendment of the Senate thereto.

A communication from the Governor was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER,

ALBANY, April 22, 1909.

*To the Assembly:*

Pursuant to concurrent resolution of the Senate and Assembly, herewith is returned for amendment Assembly bill (No. 2173, Int. No. 205), entitled "An act to amend the Code of Criminal Procedure, relative to the appointment of stenographers to take evidence before grand juries and at coroner's inquests and examinations and trials of criminal cases."

CHARLES E. HUGHES.

Said bill having been announced, Mr. McInerney moved to reconsider the vote by which said bill was passed.

Mr. Speaker put the question whether the House would agree to the reconsideration of the vote on the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 111

NOES 00

Those who voted in the affirmative were:

Allen	Foley	Lazarus	Miller W G	Smith C'
Barden	Fowler	Lee	Murphy F J	Smith F L
Baumann	Frisbie	Leffingwell	Murray	Smith M
Baumes	Garbe	Levy A J	Neupert	Spielberg
Boshart	Geoghegan	Levy J	Nolan	Staley
Brady	Goodspeed	Lowe	Odell	Sullivan
Brown C F	Graubard	Lowman	Oliver	Thompson
Brown G W	Gray	Lupton	Parker F B	Thorn
Burhyte	Gunderman	MacGregor	Parker J S	Travis
Callan	Haines	Manley	Partridge	Waddell
Caughlan	Hammond	Marlatt	Phillips C W	Walters
Cheney	Hamn	Martin	Phillips J S	Waters
Colné	Hawley	McCue	Reed	Weaver
Costello	Hemenway	McElligott	Robinson	Wende
Cuvillier	Herrick	McFarlane	Rozan	White E H
De Groot	Hoey	McGrath	Sanner	White L H
Donnelly	Howard	McInerney	Sargent	Whitley
Draper	Joseph	McLaughlin	Schmidt	Whitney
Edwards	Klein	Mead	Schutta	Williams
Evans	Lachman	Merritt	Scott	Wood
Farrar	Lanahan	Millen	Shea	Yale
Fay	Lansing	Miller J L	Smith A E	Young E
Filley				



Mr. McInerney moved that said bill be recommitted to the committee on internal affairs, with instructions to report the same forthwith, amended as follows:

On page 3, line 25, before the word "and" remove the bracket, and on page 4, line 1, after the word "annum" place a bracket.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Whitney, from the committee on internal affairs, reported said bill amended as directed, and the same was ordered reprinted and placed on the order of third reading.

A communication from the Governor was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER,  
ALBANY, April 22, 1909.

*To the Assembly:*

Pursuant to concurrent resolution of the Senate and Assembly, herewith is returned for amendment Assembly bill (No. 1678, Int. No. 1373), entitled "An act to amend chapter six hundred and sixty-six of the Laws of eighteen hundred and ninety-three, entitled 'An act to revise, amend, and consolidate the several acts relating to the village of Canandaigua, and to repeal certain acts and parts of acts,' and the several acts amendatory thereof, generally."

CHARLES E. HUGHES.

Said bill having been announced, Mr. Hemenway moved to reconsider the vote by which said bill was passed.

Mr. Speaker put the question whether the House would agree to the reconsideration of the vote on the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 110

NOES 00

Those who voted in the affirmative were:

Allen	Filley	Lanahan	Miller J L	Smith F L
Barden	Foley	Lansing	Miller W G	Smith M
Baumann	Fowler	Lazarus	Murphy F J	Spielberg
Baumes	Frisbie	Lee	Murray	Staley
Boshart	Garbe	Leffingwell	Neupert	Stein

Brady	Geoghegan	Levy A J	Nolan	Stern
Brennan	Goodspeed	Levy J	Odell	Sullivan
Brown C F	Graubard	Lowe	Oliver	Thompson
Brown G W	Gray	Lowman	Parker F B	Thorn
Burhyte	Green	Lupton	Parker J S	Travis
Callan	Gunderman	MacGregor	Perkins	Waddell
Caughlan	Hackett	Manley	Phillips C W	Walters
Cheney	Haines	Marlatt	Phillips J S	Waters
Colné	Hammond	Martin	Reed	Weaver
Costello	Hamn	McCue	Robinson	Wende
Cuvillier	Hawley	McElligott	Rozan	White E H
De Groot	Hemenway	McFarlane	Sanner	White L H
Donnelly	Herrick	McGrath	Schmidt	Whitley
Draper	Hoey	McInerney	Schutta	Whitney
Edwards	Howard	McLaughlin	Scott	Williams
Evans	Joseph	Mead	Shea	Wood
Farrar	Klein	Merritt	Smith A E	Yale
Fay	Lachman	Millen	Smith C	Young E

Mr. Hemenway moved that said bill be recommitted to the committee on affairs of villages, with instructions to report the same forthwith, amended as follows:

Strike out lines 19 to 26, inclusive, on page 5, and lines 1 to 26, inclusive, on page 6, and insert the following in place thereof:

“ § 5. Section fifteen of title thirteen of said chapter is hereby amended so as to read as follows:

“ § 15. New pumps; repairs; emergency bonds.— In case the construction of new waterworks, or new pumps therefor, becomes necessary, the water commissioners, by and with the consent of the board of trustees, shall have power to purchase such land and purchase or build such buildings, engines, machinery and apparatus, or any part thereof, as may be necessary for the operation of the water works of the village, and the board of trustees may issue bonds in payment therefor in a sum not exceeding fifty thousand dollars in the aggregate, according to the provisions of, and in the manner provided by, law, providing a proposition for the issuing of bonds for such purpose shall have been first submitted to the taxpayers of the village of Canandaigua in the manner set forth in the village charter for the raising of money, and the consent of the taxpayers obtained therefor. In case of accident to, the breakage or the disabling of any part of the existing water works plant which shall prevent or materially interfere with the operation thereof, purchases of engines, machinery and apparatus, and expenditures therefor, may be made by the said board of water commissioners by and with the consent of the board of trustees, and such amount of bonds as may be necessary may be issued in payment therefor without such submission to and consent of the taxpayers of said village.

“ § 6. This act shall take effect immediately.”

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Brady, from the committee on affairs of villages, reported said bill amended as directed, and the same was ordered reprinted and placed on the order of third reading.

Mr. Toombs offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That a respectful message be sent to the Governor, requesting the return to the Assembly of Assembly bill (No. 1492, Int. No. 1007), entitled "An act to amend section two thousand three hundred and sixty-two of the Code of Civil Procedure relative to fixing the proportional value of prior right or estate," for the purposes of amendment.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. C. F. Brown offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That a respectful message be sent to the Governor, requesting the return to the Assembly of Assembly bill (No. 1180, Int. No. 1040), entitled "An act to amend the banking Law, relative to the assessment and payment of department expenses and supervision of personal loan associations," for the purposes of amendment.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. Foley offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That a respectful message be sent to the Governor, requesting the return to the Assembly of Assembly bill (No. 996, Int. No. 538), entitled "An act to amend the Code of Civil Procedure, in regard to appeals in the City Court of the city of New York," for the purposes of transmission to city of New York.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.



Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. Toombs offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That a respectful message be sent to the Governor, requesting the return to the Assembly of Assembly bill (No. 2066, Int. No. 501), entitled "An act to amend chapter three hundred and nineteen of the Laws of nineteen hundred and seven, entitled 'An act in furtherance of the commission heretofore created to confer with the Governor and the Legislature of the State of New Jersey for the purpose of developing a system of transit between the city of New York and the State of New Jersey, extending its powers and making an appropriation therefor,' in relation to continuing such commission and making an appropriation therefor," for the purposes of transmission to the city of New York.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Attention being called to errors in printing Assembly bill (No. 2265, Int. No. 1698), entitled "An act to amend the Tax Law, in relation to collection of taxes upon mortgages."

Ordered, That the State Printer be directed to reprint said bill with the following amendments:

On page 1, line 3, strike out "sixty-two" and insert in place thereof "sixty".

On page 3, line 23, italicize "showing".

On page 3, line 4, after "record" strike out "or" and insert in place thereof "of".

Attention being called to errors in printing Assembly bill (No. 2153, Int. No. 1628), entitled "An act to amend the Penal Law, in relation to the hours of labor to be required."

Ordered, That the State Printer be directed to reprint said bill with the following amendments:

On page 1, line 7, after "poration" strike out comma and insert in place thereof a colon.

On page 1, line 8, after "hours" insert "work".

On page 2, line 2, after "or" insert comma.

On page 2, line 4, strike out "between" and insert in place thereof "within".

On page 2, line 5, strike out the second "the" and insert in place thereof "a".

On page 2, line 6, strike out "railroads" and insert "railway".

On page 2, line 9, after "or" insert comma.

On page 2, line 12, after "or" insert comma.

On page 2, line 14, strike out "s" in "trains".

On page 2, line 15, after "railroad" insert "of".

On page 2, line 18, after "hours" insert "to go on duty".

On page 3, line 2, after "serving" insert comma.

On page 3, line 3, strike out "thereof" and insert in place thereof "therefor".

On page 2, line 7, after "route" add "s".

Attention being called to errors in printing Assembly bill (No. 2296, Int. No. 1629), entitled "An act to amend an act, entitled 'An act relating to labor, constituting chapter thirty-one of the Consolidated Laws.'"

Ordered, That the State Printer be directed to reprint said bill with the following amendments:

On page 1, line 1 of title, after "amend" strike out balance of title and insert in place thereof "the labor law, generally".

On page 1, line 1, strike out "chapter" and insert in place thereof "Section two of chapter".

On page 2, line 26, after "three" insert "of such chapter".

On page 3, line 5, after "compensation" strike out comma.

On page 4, line 10, strike out "chapter" and insert in place thereof "section".

On page 5, line 10, strike out "deemed" and insert in place thereof "construed".

On page 8, line 1, after "four" insert "of such chapter".

On page 8, line 5, after "permits" strike out "a" and insert in place thereof "the".

On page 8, line 19, after "any" insert "public".

On page 8, line 21, after "fourteen" insert "of such chapter".

On page 8, line 22, after "one" insert "of such chapter".

On page 8, line 26, after "find" add "s".

On page 10, line 10, strike out "there shall be added the following" and insert in place thereof "such chapter is hereby amended by inserting therein three".

On page 10, line 11, strike out "known as" and strike out "numbers".

On page 10, line 12, after "four" insert "thereof".

On page 11, line 20, strike out "article three" and insert in place thereof "such chapter".

On page 12, line 4, strike out "article three" and insert in place thereof "such chapter".

On page 12, line 15, strike out "article three" and insert in place thereof "such chapter".

A communication from the Governor was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER,  
ALBANY, April 23, 1909.

*To the Assembly:*

Pursuant to concurrent resolution of the Senate and Assembly, herewith is returned for transmission to the city Assembly bill (No. 2066, Int. No. 501), entitled "An act to amend chapter three hundred and nineteen of the Laws of nineteen hundred and seven, entitled 'An act in furtherance of the commission heretofore created to confer with the Governor and the Legislature of the State of New Jersey for the purpose of developing a system of transit between the city of New York and the State of New Jersey, extending its powers and making an appropriation therefor,' in relation to continuing such commission and making an appropriation therefor."

CHARLES E. HUGHES.

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of New York.

The Senate returned the bill (No. 1458, Int. No. 1257) entitled "An act to authorize and direct the Commissioners of the Land Office of the State of New York to grant and convey to the city of New York a certain strip of land situated in the borough of the Bronx, city of New York, to authorize and empower such city to convey the same, and to define the title and ownership of the grantee from the said city of New York," with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of New York.

Also, the bill (No. 2188, Int. No. 1651) entitled "An act to authorize the city of New Rochelle to borrow twenty-five thousand dollars by the issue of bonds, for the purpose of taking up and



retiring outstanding overdue sewer certificates of indebtedness," with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of New Rochelle.

Also, the bill (No. 2187, Int. No. 1650) entitled "An act to authorize the city of New Rochelle to borrow money by the issue of bonds for the purpose of taking up and retiring temporary certificates of indebtedness issued in anticipation of the collection of certain taxes and assessments," with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of New Rochelle.

Also, the bill (No. 2189, Int. No. 1652) entitled "An act to authorize the city of New Rochelle to borrow money by the issue of bonds for the purpose of paying claims existing against it and authorizing the payment of such claims," with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of New Rochelle.

Also, the bill (No. 2107, Int. No. 876) entitled "An act to amend the Greater New York charter, relative to the powers of the board of estimate and apportionment and the board of commissioners of the sinking fund of the city of New York," with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of New York.

Also, the bill (No. 2267, Int. No. 940) entitled "An act to amend the Greater New York charter, relative to the operation of ferries and the acquirement of property therefor," with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of New York.

Also, the bill (No. 1823, Int. No. 1354) entitled "An act to amend chapter five hundred and eighty of the Laws of nineteen hundred and two, entitled 'An act in relation to the Municipal Court of the city of New York, its officers and marshals,' in relation to the time within which decisions on motions shall be rendered," with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of New York.

Also, the bill (No. 1426, Int. No. 1228) entitled "An act to amend the Town Law, in relation to legalizing the calling of special meetings of the town board heretofore held."

Also, the bill (No. 1688, Int. No. 1380) entitled "An act to provide for the acquisition of a site and for the construction and equipment of a power house, coal pockets and conduits, for furnishing heat, light and power to the State Capitol and Education Building, and making an appropriation therefor."

Also, the bill (No. 2250, Int. No. 1509) entitled "An act to amend the Judiciary Law, in relation to stenographers of the County Court of Jefferson county."

Also, the bill (No. 1267, Int. No. 752) entitled "An act to amend chapter sixty-three of the Laws of nineteen hundred and nine, entitled "An act relating to towns, constituting chapter sixty-two of the Consolidated Laws.'"

Also, the bill (No. 2223, Int. No. 1672) entitled "An act authorizing the village of Canajoharie, Montgomery county, New York, to borrow not exceeding seven thousand five hundred dollars for the purpose of meeting the preliminary expenses for the establishment of a water system in such village and to issue notes or certificates of indebtedness therefor."

Also, the bill (No. 1727, Int. No. 1144) entitled "An act to amend the Code of Civil Procedure, relative to the service of summons."

Also, the bill (No. 1567, Int. No. 915) entitled "An act to amend the Penal Law, in relation to immoral plays and exhibitions and the use and leasing of real property therefor."

Also, the bill (No. 1566, Int. No. 916) entitled "An act to amend the Penal Law, in relation to indecent prints and pictures in public places."

Also, the bill (No. 1478, Int. No. 1279) entitled "An act to amend the Public Health Law, in relation to vital statistics."

Also, the bill (No. 1520, Int. No. 710) entitled "An act to amend the Banking Law, in relation to deposit of school savings funds."

Also, the bill (No. 2235, Int. No. 1684) entitled "An act to make an appropriation for the payment of the judgments of the Court of Claims, in claims other than those on account of the canals of this State."

Also, the bill (No. 2248, Int. No. 1368) entitled "An act to amend the Education Law, in relation to the board of trustees of Cornell University."

Also, the bill (No. 2076, Int. No. 1578) entitled "An act to amend chapter three hundred and eighty of the Laws of nineteen hundred and two, entitled 'An act to make the office of sheriff in the county of Ontario a salaried office,' in relation to salary of turnkey."

Also, the bill (No. 2113, Int. No. 1603) entitled "An act authorizing the board of supervisors of the county of Westchester to declare the office of the county clerk of such county a salaried office and to fix and determine the amount of compensation, and regulating the management of such office."

Also, the bill (No. 2068, Int. No. 1459) entitled "An act to amend section seven hundred and fifty-two of the Penal Law, in relation to crimes against the elective franchise."

Also, the bill (No. 1017, Int. No. 910) entitled "An act to amend the Code of Civil Procedure in relation to the expenses of the judges of the Court of Claims."

Also, the bill (No. 1370, Int. No. 1182) entitled "An act to increase the number of the members and trustees of the Hudson-Fulton celebration commission."

Also, the bill (No. 1505, Int. No. 459) entitled "An act to amend the Code of Civil Procedure, in relation to the service of a venire in justice's court."

Also, the bill (No. 1456, Int. No. 459) entitled "An act to amend the Penal Law, in relation to minimum terms of indeterminate sentences."

Also, the bill (No. 1445, Int. No. 1251) entitled "An act to



provide for the election of a police justice in certain of the towns of this State."

Also, the bill (No. 1903, Int. No. 1344) entitled "An act to amend the Code of Criminal Procedure, in relation to admission to bail of a defendant."

Also, the bill (No. 1821, Int. No. 1318) entitled "An act to amend the Penal Law, in relation to penalty for extortion and blackmail."

Also, the bill (No. 2048, Int. No. 1571) entitled "An act to amend the Code of Criminal Procedure, in relation to recovering on forfeited bail in the county of Erie."

Also, the bill (No. 1867, Int. No. 1227) entitled "An act to amend the Town Law, generally."

Also, the bill (No. 2148, Int. No. 1624) entitled "An act to amend the Highway Law, in relation to bonds for county's share of highway improvement."

Also, the bill (No. 2124, Int. No. 1616) entitled "An act to repeal section thirty-seven of chapter one hundred and sixty of the Laws of eighteen hundred and sixty-eight, entitled 'An act to incorporate the village of Montour Falls, in the town of Montour, county of Schuyler, and to repeal its present charter,' in relation to poll taxes."

Also, the bill (No. 2236, Int. No. 1685) entitled "An act to make an appropriation for the payment of the judgments of the Court of Claims, in claims arising on account of the canals of this State," with a message that they have concurred in the passage of the same without amendment.

Ordered. That the Clerk deliver said bills to the Governor.

Also, the bill (No. 2166, Int. No. 1632) entitled "An act to amend the Greater New York charter, relative to the department of correction," with a message that they have concurred in the passage of the same without amendment.

Ordered. That the Clerk transmit a certified copy thereof to the mayor of the city of New York.

Also, the bill (No. 2218, Int. No. 1667) entitled "An act to amend chapter five hundred and twenty-nine of the Laws of eighteen hundred and ninety-eight, entitled 'An act authorizing the city of Rensselaer to use certain lands for park purposes,' in

relation to the construction of a monument to the memory of soldiers and sailors in the city of Rensselaer, in place of mounting a cannon, as provided in said chapter, at the expense of such city, and authorizing its common council to provide moneys therefor by issuing city bonds," with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of Rensselaer.

Also, the bill (No. 475, Int. No. 457) entitled "An act to amend chapter five hundred and eighty of the Laws of nineteen hundred and two, entitled 'An act in relation to the Municipal Court of the city of New York, its officers and marshals,' in relation to fees for service of process," with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of New York.

Also, the bill (No. 1570, Int. No. 211) entitled "An act to amend section two hundred and thirty of chapter five hundred and eighty of the Laws of nineteen hundred and two, entitled 'An act in relation to the Municipal Court of the city of New York, its officers and marshals,' in relation to the retrial of an action when the court has failed to render judgment on a previous trial," with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of New York.

Also, the bill (No. 1319, Int. No. 1145) entitled "An act to amend chapter seven hundred and fifty-five of the Laws of nineteen hundred and seven, entitled 'An act constituting the charter of the city of Rochester,' in relation to salaries," with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of Rochester.

Also, the bill (No. 2056, Int. No. 1355) entitled "An act to amend chapter five hundred and eighty of the Laws of nineteen hundred and two, entitled 'An act in relation to the Municipal Court of the city of New York, its officers and marshals,' in rela-

tion to opening defaults, and dismissing actions or proceedings," with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of New York.

Also, the bill (No. 2159, Int. No. 1644) entitled "An act to amend section four hundred and eight of the revised city charter of the city of Buffalo, being chapter one hundred and five of the Laws of eighteen hundred and ninety-one, in relation to the letting of contracts and spreading assessments for the improvement and maintenance of Buffalo river and other waterways within said city, and for cleaning streets," with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of Buffalo.

Also, the bill (No. 2158, Int. No. 1643) entitled "An act to legalize the proceedings of the city of Buffalo for repaving and improving Broadway in said city," with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of Buffalo.

Also, the bill (No. 2270, Int. No. 1640) entitled "An act to incorporate the city of New Rochelle," with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of New Rochelle.

Also, the bill (No. 2224, Int. No. 1673) entitled "An act authorizing and empowering the board of estimate and apportionment of the city of New York to select and designate a site for an armory within the territory of Crotona park, in the borough of the Bronx, city of New York," with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of New York.

Also, the bill (No. 2310, Int. No. 1725) entitled "An act to amend chapter four of the Laws of eighteen hundred and ninety-one, entitled 'An act to provide for rapid transit railways in cities of over one million inhabitants,' generally."



Also, the bill (No. 1973, Int. No. 1542) entitled "An act to provide for an additional justice of the Supreme Court in and for the fifth judicial district."

Also, the bill (No. 2278, Int. No. 1706) entitled "An act to authorize trustees and boards of education in certain school districts in the counties of Broome, Delaware and Sullivan to issue certificates of indebtedness."

Also, the bill (No. 2278, Int. No. 1706) entitled "An act to authorize certain towns in the counties of Delaware, Sullivan and Broome to issue certificates of indebtedness and, when authorized by the board of supervisors in any such county, to refund the same by the issuance and sale of town bonds."

Also, the bill (No. 2217, Int. No. 1666) entitled "An act to amend the Highway Law, in relation to a highway to be constructed or improved by the State in the counties of Schoharie and Delaware."

Also, the bill (No. 2137, Int. No. 933) entitled "An act to revise and consolidate the charter of the village of Medina."

Also, the bill (No. 1984, Int. No. 1058) entitled "An act to amend the Agricultural Law, relative to the apportionment of moneys for the promotion of agriculture."

Also, the bill (No. 1230, Int. No. 1075) entitled "An act to amend the Election Law, in relation to primary districts, polling places and election officers."

Also, the bill (No. 1412, Int. No. 1215) entitled "An act to legalize and confirm the taxes levied for the repair of highways upon the assessment-rolls of the several towns for the year nineteen hundred and eight."

Also, the bill (No. 1618, Int. No. 1100) entitled "An act to incorporate the Epiphany Foundation, and to prescribe its object and powers," with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk deliver said bills to the Governor.

The Senate returned the bill (No. 2202, Int. No. 1665) entitled "An act to authorize the consolidation, or merger, or right of use in common by and between the New York, Westchester and Boston Railway Company and the New York and Port Chester Railroad Company, and the surrender of the routes, or parts of the routes,

of the railroads of said companies," with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk transmit a certified copy thereof to the mayors of the cities of New York, Mount Vernon and New Rochelle.

Mr. MacGregor gives notice that on Monday, April 26, 1909, he will call up Senate bill (No. 141, Rec. No. 5), entitled "An act to authorize the city of Buffalo to issue its bonds for the purpose of raising money for the purchase, construction, establishment or enlargement of one or more refuse destruction plants," the same having been laid aside on the order of second and third reading.

The Senate returned the concurrent resolution recalling from the Governor, for the purposes of amendment, Assembly bill (No. 996, Int. No. 538), entitled "An act to amend the Code of Civil Procedure, in regard to appeals in the City Court of the city of New York," with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said resolution to the Governor.

The Senate returned the concurrent resolution recalling from the Governor, for the purposes of transmission to the city, Assembly bill (No. 2066, Int. No. 501), entitled "An act to amend chapter three hundred and nineteen of the Laws of nineteen hundred and seven, entitled 'An act in furtherance of the commission heretofore created to confer with the Governor and the Legislature of the State of New Jersey for the purpose of developing a system of transit between the city of New York and the State of New Jersey, extending its powers and making an appropriation therefor,' in relation to continuing such commission and making an appropriation therefor," with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said resolution to the Governor.

The Senate returned the concurrent resolution recalling from the Governor, for the purposes of amendment, Assembly bill (No. 1180, Int. No. 1040), entitled "An act to amend the Banking Law, relative to the assessment and payment of department expenses and supervision of personal loan associations," with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said resolution to the Governor.

The Senate returned the concurrent resolution recalling from the Governor, for the purposes of amendment, Assembly bill (No. 1492, Int. No. 1007), entitled "An act to amend section two thousand three hundred and sixty-two of the Code of Civil Procedure, relative to fixing the proportional value of prior right or estate," with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said resolution to the Governor.

On motion of Mr. Merritt, the House adjourned until Saturday, April 24th, at 10 o'clock a. m.

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SATURDAY, APRIL 24, 1909.

The House met pursuant to adjournment.

Prayer by Rev. J. Addison Jones.

On motion of Mr. J. S. Phillips, the reading of the journal of yesterday was dispensed with and the same was approved.

Mr. Oliver gives notice that he requests that Assembly bill (No. 2297, Int. No. 1496), entitled "An act to amend the Greater New York charter, relative to the compensation of commissioners of estimate and appraisal," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Merritt gives notice that he requests that the Senate bill introduced by Mr. Allds (No. 1099, Rec. No. 267), entitled "An act making an appropriation for the purchase of lands under the provisions of chapter seventy-three, Laws of nineteen hundred and nine," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Oliver gives notice that he requests that Assembly bill (No. 1924, Int. No. 1500), entitled "An act to repeal sections one,



two and three of chapter three hundred and thirteen of the Laws of nineteen hundred and one, relative to the sale of unclaimed articles of baggage in hotels, and to amend section two hundred of chapter , of the Laws of nineteen hundred and nine, entitled 'An act in relation to liens, constituting chapter thirty-three of the Consolidated Laws,' and providing for the manner in which the lien of hotel-keepers and others may be enforced and also providing for the sale of unclaimed property left with hotel-keepers and others," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

The Senate sent for concurrence the following entitled bills:

"An act to repeal sections one hundred and fifteen, one hundred and sixteen and three hundred and fifteen of the Judiciary Law" (No. 1442, Rec. No. 305), which was read the first time and referred to the committee on the judiciary.

"An act to provide for granting pensions to soldiers, sailors and marines, who served in the army or navy of the United States, from the State of New York, in the Civil War, making provision for issuing bonds to the extent of two million dollars for the payment of such pensions, and providing for the submission of this act to a vote of the people at the general election to be held in nineteen hundred and nine" (No. 1326, Rec. No. 306), which was read the first time and referred to the committee on ways and means.

"An act to amend the Highway Law, by repealing article eleven thereof and inserting a new article eleven, in relation to motor vehicles" (No. 1496, Rec. No. 307), which was read the first time and referred to the committee on internal affairs.

"An act making provision for issuing bonds to the amount of not to exceed seven million dollars for the improvement of the Cayuga and Seneca canals, and providing for a submission of the same to the people to be voted upon at the general election to be held in the year nineteen hundred and nine" (No. 1463, Rec. No. 308), which was read the first time and referred to the committee on ways and means.

"An act to amend the Lien Law, relating to discharge of mechanics' liens" (No. 1212, Rec. No. 309), which was read the first time and referred to the committee on the judiciary.

"An act to amend the Insurance Law, generally" (No. 1460, Rec. No. 310), which was read the first time and referred to the committee on insurance."

"An act to secure the personal rights and protect the privileges of persons employed in the several departments of State, city and county governments and in the several municipal divisions" (No. 1160, Rec. No. 311), which was read the first time and referred to the committee on the judiciary.

"An act to amend the Insurance Law, relative to proceedings against and the liquidation of delinquent insurance corporations" (No. 1454, Rec. No. 312), which was read the first time and referred to the committee on insurance.

"An act to release to William J. Hofman all the right, title and interest of the people of the State of New York in and to certain real estate situated in College Point, county of Queens, city and State of New York, acquired by escheat upon the death of Bridget Doyle" (No. 1043, Rec. No. 313), which was read the first time and referred to the committee on ways and means.

"An act to amend chapter two hundred and seventy-five of the Laws of eighteen hundred and ninety-nine, entitled 'An act to revise the charter of the city of Gloversville'" (No. 940, Rec. No. 314), which was read the first time and referred to the committee on affairs of cities.

"An act to amend the Code of Civil Procedure, in relation to the jurisdiction of the Court of Claims" (No. 902, Rec. No. 315), which was read the first time and referred to the committee on codes.

"An act to amend section ninety-five of chapter forty-seven of the Laws of nineteen hundred and nine, entitled 'An act relating to prisons, constituting chapter forty-three of the Consolidated Laws,' relative to the compensation of the chaplain and physician at the State Prison for Women" (No. 968, Rec. No. 316), which was read the first time and referred to the committee on ways and means.

"An act to repeal section twenty-four hundred and seventeen of the Code of Civil Procedure" (No. 1356, Rec. No. 317), which was read the first time and referred to the committee on codes.

"An act to amend the Code of Civil Procedure, in relation to satisfying judgments against joint debtors" (No. 1355, Rec. No. 318), which was read the first time and referred to the committee on codes.

"An act to amend the Penal Law, in relation to women" (No. 1354, Rec. No. 319), which was read the first time and referred to the committee on codes.

"An act to amend section eleven-a of the Code of Criminal Procedure, relative to the appointment and payment of probation officers" (No. 1388, Rec. No. 320), which was read the first time and referred to the committee on codes.

"An act to provide for the construction of a bridge over the Erie canal at Georgia street in the city of Buffalo, and making an appropriation therefor" (No. 962, Rec. No. 321), which was read the first time and referred to the committee on ways and means.

"An act to provide for the construction of a lift or hoist bridge over the Erie canal at Franklin street in the city of Syracuse and making an appropriation therefor" (No. 1241, Rec. No. 322), which was read the first time and referred to the committee on ways and means.

"An act to amend chapter four hundred and ninety-two of the Laws of nineteen hundred and eight, entitled 'An act to provide for a commissioner of elections in and for the county of Onondaga'" (No. 1201, Rec. No. 323), which was read the first time and referred to the committee on internal affairs.

"An act to provide a building at the New York Agricultural Experiment Station, and making an appropriation therefor" (No. 1327, Rec. No. 324), which was read the first time and referred to the committee on ways and means.

"An act to amend the Agricultural Law, entitled 'An act in relation to agriculture, constituting chapter one of the Consolidated Laws,' in relation to regulations, the enforcement thereof and expenses incurred by sheriff" (No. 1157, Rec. No. 325), which was read the first time and referred to the committee on internal affairs.



"An act to amend the Military Law, in relation to enlisted men of the National Guard and Naval Militia" (No. 1105, Rec. No. 326), which was read the first time and referred to the committee on military affairs.

"An act to repeal sections one, two and three of chapter three hundred and thirteen of the Laws of nineteen hundred and one, relative to the sale of unclaimed articles of baggage in hotels, and to amend section two hundred of chapter thirty-eight of the Laws of nineteen hundred and nine, entitled 'An act in relation to liens, constituting chapter thirty-three of the Consolidated Laws,' and providing for the manner in which the lien of hotel-keepers and others may be enforced and also providing for the sale of unclaimed property left with hotel-keepers and others" (No. 1415, Rec. No. 327), which was read the first time and referred to the committee on the judiciary.

"An act to amend the Banking Law, relative to the removal from office of trustees of savings banks" (No. 1262, Rec. No. 328), which was read the first time and referred to the committee on banks.

"An act to confer jurisdiction upon the Court of Claims, to hear, audit and determine the alleged claim of Michael O'Keefe against the State of New York, for damages alleged to have been sustained by him while in the employ of the State, and to render judgment therefor" (No. 1414, Rec. No. 329), which was read the first time and referred to the committee on claims.

"An act to confer certain rights upon the city of Mount Vernon and upon the city of New York, with respect to supplying water to the said city of Mount Vernon and the inhabitants thereof from the water supply of the city of New York, and to confer jurisdiction upon the State Water Supply Commission in respect thereto" (No. 1426, Rec. No. 330), which was read the first time and referred to the committee on affairs of cities.

"An act to create a forest reservation in the Highlands of the Hudson, west of the Hudson river, to be known as the highlands of the Hudson forest reservation, to provide for its regulation and making an appropriation therefor" (No. 1328, Rec. No. 331), which was read the first time and referred to the committee on ways and means.

"An act in relation to the offices of police justice, clerk and

deputy clerk in the village of Wellsville" (No. 1447, Rec. No. 332), which was read the first time and referred to the committee on affairs of villages.

"An act to amend chapter six hundred and seventy of the Laws of nineteen hundred and six, entitled 'An act to establish a new State prison in the eastern part of the State to take the place of Sing Sing prison; to authorize the Governor to appoint a commission to select and purchase a site,' in relation to the erection and completion of such prison, the compensation and expenses of the commissioners and their secretary, and making an additional appropriation therefor" (No. 1347, Rec. No. 333), which was read the first time and referred to the committee on ways and means.

Mr. Gunderman, by unanimous consent, introduced a bill entitled "An act to make the office of sheriff of Tompkins county a salaried office, in part, and to regulate the management thereof" (Int. No. 1762), which was read the first time, and, on motion of Mr. Gunderman, and by unanimous consent, was read the second time and placed on the order of third reading and referred to the committee on internal affairs.

Also, by unanimous consent, "An act to make the office of county clerk of Tompkins county a salaried office and to regulate the management thereof" (Int. No. 1763), which was read the first time, and, on motion of Mr. Gunderman, and by unanimous consent, was read the second time and placed on the order of third reading and referred to the committee on internal affairs.

Mr. Speaker, from the committee on rules, to which was referred the bill introduced by Mr. Oliver (No. 2297, Int. No. 1496), entitled "An act to amend the Greater New York charter, relative to the compensation of the commissioners of estimate and appraisal," reported in favor of the passage of the same, with the following amendments:

On page 2, line 23, after "any" insert "pending", and after "proceeding" strike out "heretofore or hereafter".

On page 3, line 11, after "allowance" insert "exceed one per centum of the amount of the award or", and after "granted" insert "without the consent of".

On page 3, line 11, after "granted" strike out "if the granting thereof be".

On page 3, line 12, strike out "opposed by".

and that the same be reprinted, as amended, and when it shall have been on the desks of the members three calendar legislative days it be made a special order on second and third reading immediately after the consideration of the special orders on third reading theretofore reported, which report was agreed to, and said bill ordered reprinted, as amended, and that when it shall have been on the desks of the members three calendar legislative days it be made a special order on second and third reading immediately after the consideration of the special orders on third reading theretofore reported.

Mr. Speaker, from the committee on rules, to which was referred the Senate bill introduced by Mr. Allds (No. 1099, Rec. No. 267), entitled "An act making an appropriation for the purchase of lands under the provisions of chapter seventy-seven, Laws of nineteen hundred and nine," reported in favor of the passage of the same, with the following amendments:

On page 1, amend the title by striking out the words "under the provisions of chapter seventy-seven, Laws of nineteen hundred and nine" and inserting the words "for a site or sites for State hospitals for the insane in the southeastern part of the State."

On page 1, line 4, after the word "used" strike out the words "in payment of the purchase price", all of line 5, and the words "seven of the Laws of nineteen hundred and nine", and insert in place thereof the following: "by the State Commission in Lunacy for the acquisition of a site or sites for State Hospitals in the southeastern part of the State."

Page 1, line 7, strike out "such", and after the word "land" insert the words "comprising such site or sites."

and that the same be reprinted, as amended, and that when it shall have been on the desks of the members three calendar legislative days it be made a special order on second and third reading immediately after the consideration of the special orders on third reading theretofore reported, which report was agreed to, and said bill ordered reprinted, as amended, and that when it shall have been on the desks of the members three calendar legislative days it be made a special order on second and third reading immediately after the consideration of the special orders on third reading theretofore reported.

Mr. Speaker, from the committee on rules, to which was referred the bill introduced by Mr. Oliver (No. 1924, Int. No.



1500), entitled "An act to repeal sections one, two and three of chapter three hundred and thirteen of the Laws of nineteen hundred and one, relative to the sale of unclaimed articles of baggage in hotels, and to amend section two hundred of chapter . . . . . of the Laws of nineteen hundred and nine, entitled 'An act in relation to liens, constituting chapter thirty-three of the Consolidated Laws,' and providing for the manner in which the lien of hotel-keepers and others may be enforced and also providing for the sale of unclaimed property left with hotel-keepers and others," reported the same with the following amendments:

Page 1, line 4 of the title, after the word "chapter" insert the words "thirty-eight".

Page 1, line 4, after the word "chapter" insert the words "thirty-eight".

and requests that said bill be reprinted, as amended, and recommitted to said committee, which report was agreed to, and said bill ordered reprinted, as amended, and recommitted to said committee.

Mr. Merritt, from the committee on conference, presented the following report:

*To the Legislature:*

The undersigned, appointed by the Senate and Assembly as a committee of conference relative to the matters of difference arising between the two Houses upon the Assembly bill (No. 892, Int. No. 433, Senate reprint No. 1232), entitled "An act making appropriations for the support of government," report that they have duly conferred upon said matters, and agreed to recommend the passage of the following substitute bill:

(See Appendix No. 54.)

EDWIN A. MERRITT, JR.,	JOTHAM P. ALLDS,
B. R. LANSING,	JOHN N. CORDTS,
JESSE S. PHILLIPS,	<i>Committee on part of</i>
DANIEL D. FRISBIE,	<i>the Senate.</i>
<i>Committee on part of</i>	
<i>the Assembly.</i>	

which report was agreed to, and said substitute bill ordered printed and restored to the order of third reading.

The Senate returned the Assembly bill (No. 1506, Senate reprint No. 1379, Int. No. 570) entitled "An act to amend chapter one hundred and thirty-one of the Laws of eighteen hundred and eighty-five, entitled 'An act to incorporate the city of Amsterdam,' generally."

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of Amsterdam.

Also, Assembly bill (No. 1305, Senate reprint No. 1371, Int. No. 976) entitled "An act to confirm the acts of commissioners appointed to lay out and assess damages upon the opening of a public highway in the town of New Castle, in Westchester county; to legalize and confirm the acts and proceedings of David L. Barnum and Frank T. Bailey, as commissioners of highways of said town; to authorize the town board of auditors of said town to audit the contracts in relation to the building of said highway; and to authorize the said town to pay for the construction of said highway, and to raise money therefor."

Also, Assembly bill (No. 1752, Senate reprint No. 1368, Int. No. 732) entitled "An act to amend the Agricultural Law, in relation to the giving of bonds by manufacturers and shippers of butter, cheese and milk."

Also, Assembly bill (No. 1380, Senate reprint No. 1369, Int. No. 1192) entitled "An act to amend the Penal Law, in relation to the unauthorized use of automobiles or other motor vehicles."

Ordered, That the Clerk deliver said bills to the Governor.

The Senate returned the Assembly bill (No. 1455, Senate reprint No. 1234, Int. No. 863) entitled "An act to amend the Penal Law, in relation to admitting children to moving picture shows."

Also, Assembly bill (No. 1488, Senate reprint No. 1228, Int. No. 447) entitled "An act to amend the General Business Law, in relation to private detectives."

Also, Assembly bill (No. 1733, Senate reprint No. 1333, Int. No. 745) entitled "An act providing for the construction of new buildings for the Oswego Normal and Training School, and authorizing the sale of the site now occupied by said school."

Ordered, That the Clerk deliver said bills to the Governor.

Also, Assembly bill (No. 1300, Senate reprint No. 1224, Int. No. 378) entitled "An act to confer certain rights on the municipalities of Nassau county and upon the city of New York in respect to the water in said county, forming part of the water supply of the city of New York, and to confer jurisdiction upon the State Water Supply Commission in respect thereto."

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of New York.

Also, Assembly bill (No. 1730, Senate reprint No. 1334, Int. No. 1065) entitled "An act to amend chapter twenty-six of the Laws of eighteen hundred and eighty-five, entitled 'An act to revise, amend and consolidate the several acts in relation to the city of Syracuse, and to revise and amend the charter of said city.'"

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of Syracuse.

Also, Assembly bill (No. 1551, Senate reprint No. 1335, Int. No. 1312) entitled "An act to amend chapter seventy-five of the Laws of nineteen hundred and six, entitled 'An act to supplement the provisions of law relating to the department of assessment and taxation of the city of Syracuse.'"

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of Syracuse.

Also, Assembly bill (No. 1682, Senate reprint No. 1409, Int. No. 926) entitled "An act to consolidate and revise the several acts relative to the city of Dunkirk."

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of Dunkirk.

On motion of Mr. J. S. Phillips, the House adjourned.

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MONDAY, APRIL 26, 1909.

The House met pursuant to adjournment.

Prayer by J. Addison Jones.

On motion of Mr. Merritt, the reading of the journal of Saturday, April 24, 1909, was dispensed with and the same was approved.



Mr. Speaker presented the annual report of the Adjutant-General, which was laid upon the table and ordered printed.

(See Assembly Document No. 75.)

Mr. Baumes gives notice that he requests that Assembly bill (No. 2325, Int. No. 1735), entitled "An act to repeal chapter three hundred and forty of the Laws of nineteen hundred and eight, entitled 'An act to amend title six of chapter two hundred and three of the Laws of nineteen hundred and seven, entitled "An act to revise and amend the charter of the city of Newburgh," being chapter five hundred and forty-one of the Laws of eighteen hundred and sixty-five, and the several acts amendatory thereof and supplemental thereto,' " a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Sargent gives notice that he requests that Assembly bill (No. 2320, Int. No. 1730), entitled "An act to amend the Greater New York charter, relating to the opening of streets and parks and the acquisition of title in fee or to an easement therein, or in lands for public purposes, not elsewhere provided for," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Fellows gives notice that he requests that Assembly bill (No. 1460, Int. No. 1256), entitled "An act to provide for the acquisition and preservation of the historic house formerly owned and occupied by General Nicholas Herkimer, in the town of Danube, in the county of Herkimer, and making an appropriation therefor," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Howard gives notice that he requests that Assembly bill (No. 2323, Int. No. 1733), entitled "An act to amend the Village Law, in relation to the dedication of streets," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Robinson gives notice that he requests that Assembly bill (No. 2348, Int. No. 1744), entitled "An act making an appropriation for the New York State Hospital for the Care of Crippled and Deformed Children," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Frisbie gives notice that he requests that Assembly bill (No. 2341, Int. No. 1737), entitled "An act to authorize the village of Middleburgh, in Schoharie county, to acquire the title of an old and abandoned burying ground in the village, and to establish and maintain a public park or square thereon," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Robinson gives notice that he requests that the Senate bill introduced by Mr. Wagner (No. 1319, Rec. No. 263), entitled "An act to amend the Greater New York charter, relative to increasing the number of police clerks' assistants in the city magistrates' courts of the first division of the city of New York," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Hammond gives notice that he requests that the Senate bill introduced by Mr. Cobb (No. 1229, Rec. No. 237), entitled "An act to amend the Public Service Commissions Law, relative to the approval of issue of stocks, bonds and other forms of indebtedness," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Weaver gives notice that he requests that the Senate bill introduced by Mr. Emerson (No. 1392, Rec. No. 286), entitled "An act to amend chapter fourteen of the Laws of eighteen hundred and sixty-one, entitled 'An act making the office of county clerk, in the county of Clinton, a salaried office,' in relation to

the compensation, powers and duties of such clerk and legalizing certain acts of the board of supervisors of said county affecting said compensation," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Robinson gives notice that he requests that the Senate bill introduced by Mr. Grady (No. 1339, Rec. No. 276), entitled "An act to amend the Tenement House Law, in relation to fire escapes, rooms and cellars," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. De Groot gives notice that he requests that the Senate bill introduced by Mr. Harte (No. 1396, Rec. No. 290), entitled "An act to make the office of sheriff of the county of Queens a salaried office and regulating the management of said office," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. De Groot gives notice that he requests that the Senate bill introduced by Mr. Harte (No. 1390, Rec. No. 281), entitled "An act to allow the city of New York to deed certain land and acquire the title to certain other land in DeBevoise avenue in the borough of Queens," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. McLaughlin gives notice that he requests that the Senate bill introduced by Mr. Holden (No. 1202, Rec. No. 292), entitled "An act to authorize the county clerk of Onondaga county to compile and maintain records, statistics and historical information relative to the soldiers and sailors of the war of the rebellion who enlisted from said county," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.



By unanimous consent, the following bills were introduced:

Mr. Cuvillier introduced a bill entitled "An act to amend the Domestic Relations Law in relation to prohibition of marriage in certain cases" (Int. No. 1764), which was read the first time and referred to the committee on the judiciary.

Mr. Gray introduced a bill entitled "An act to amend the Tax Law, in relation to exemptions from taxable transfers" (Int. No. 1765), which was read the first time and referred to the committee on taxation and retrenchment.

Also, "An act to amend the Agricultural Law, in relation to the registration of stallions" (Int. No. 1766), which was read the first time and referred to the committee on agriculture.

Mr. McInerney introduced a bill entitled "An act to amend section five hundred and eighty of the Penal Law of the State of New York" (Int. No. 1767), which was read the first time and referred to the committee on codes.

Mr. Merritt introduced a bill entitled "An act authorizing the use of the State hospital site at Comstock for prison purposes, providing for the construction, management, equipment and maintenance of a State prison on said site and making an appropriation therefor" (Int. No. 1768), which was read the first time and referred to the committee on ways and means.

Mr. O'Neil introduced a bill entitled "An act to confer jurisdiction upon the Court of Claims to hear, audit and determine the alleged claim of John White against the State of New York, and to render judgment therefor" (Int. No. 1769), which was read the first time and referred to the committee on claims.

Mr. Speaker, from the committee on rules, to which was referred Assembly bill introduced by Mr. Baumes (No. 2325, Int. No. 1735), entitled "An act to repeal chapter three hundred and forty of the Laws of nineteen hundred and eight, entitled 'An act to amend title six of chapter two hundred and three of the Laws of nineteen hundred and seven, entitled "An act to revise and amend the charter of the city of Newburgh," being chapter five hundred and forty-one of the Laws of eighteen hundred and sixty-five, and the several acts amendatory thereof and supplemental thereto.'"

Also, Assembly bill introduced by Mr. Foley (No. 2320, Int. No. 1730), entitled "An act to amend the Greater New York charter, relating to the opening of streets and parks, and the acquisition of title in fee or to an easement therein, or in lands for public purposes not elsewhere provided for."

Also, Assembly bill introduced by Mr. Fellows (No. 1460, Int. No. 1259), entitled "An act to provide for the acquisition and preservation of the historic house formerly owned and occupied by General Nicholas Herkimer, in the town of Danube, in the county of Herkimer, and making an appropriation therefor."

Also, Assembly bill introduced by Mr. Howard (No. 2323, Int. No. 1733), entitled "An act to amend the Village Law, in relation to the dedication of streets."

Also, Assembly bill introduced by Mr. Robinson (No. 2348, Int. No. 1744), entitled "An act making appropriation for the New York State Hospital for the Care of Crippled and Deformed Children."

Also, Assembly bill introduced by Mr. Frisbie (No. 2341, Int. No. 1737), entitled "An act to authorize the village of Middleburgh, in Schoharie county, to acquire the title of an old abandoned burying ground in the village, and to establish and maintain a public park or square thereon."

Also, Senate bill introduced by Mr. Wagner (No. 1319, Rec. No. 263), entitled "An act to amend the Greater New York charter, relative to increasing the number of police clerks' assistants in the city magistrates' courts of the first division of the city of New York."

Also, Senate bill introduced by Mr. Cobb (No. 1229, Rec. No. 237), entitled "An act to amend the Public Service Commissions Law, relative to the approval of issue of stocks, bonds and other forms of indebtedness."

Also, Senate bill introduced by Mr. Emerson (No. 1392, Rec. No. 286), entitled "An act to amend chapter fourteen of the Laws of eighteen hundred and sixty-one, entitled 'An act making the office of county clerk, in the county of Clinton, a salaried office.' in relation to the compensation, powers and duties of such clerk and legalizing certain acts of the board of supervisors of said county affecting said compensation."

Also, Senate bill introduced by Mr. Grady (No. 1339, Rec. No. 276), entitled "An act to amend the Tenement House Law, in relation to fire-escapes, rooms and cellars."

Also, Senate bill introduced by Mr. Harte (No. 1399, Rec. No. 290), entitled "An act to make the office of sheriff of the county of Queens a salaried office, and regulating the management of said office."

Also, Senate bill introduced by Mr. Harte (No. 1390, Rec. No. 281), entitled "An act to allow the city of New York to deed certain land and acquire the title to certain other land in DeBevoise avenue, in the borough of Queens."

Also, Senate bill introduced by Mr. Holden (No. 1202, Rec. No. 292), entitled "An act to authorize the county clerk of Onondaga county to compile and maintain records, statistics and historical information relative to the soldiers and sailors of the war of the rebellion who enlisted from said county," reported in favor of the passage of the same without amendment, and that the same be made special orders on second and third reading immediately after the consideration of the special orders on third reading heretofore reported, which report was agreed to, and said bills ordered made special orders on second and third reading immediately after the consideration of the special orders on third reading heretofore reported.

The Clerk reported the following bills as correctly printed or engrossed:

"An act to amend the Judiciary Law, in relation to the appointment of a typewriter operator by the justices of the Supreme Court in the second judicial department." (No. 2353, Int. No. 894.)

"An act to amend the Greater New York charter, in relation to hospitals for the treatment of contagious, pestilential or infectious diseases." (No. 2332, Int. No. 1250.)

"An act to amend the Code of Criminal Procedure, relative to the appointment of stenographers to take evidence before grand juries and at coroner's inquests and examinations and trials of criminal cases." (No. 2375, Int. No. 205.)

"An act to amend chapter six hundred and sixty-six of the Laws of eighteen hundred and ninety-three, entitled 'An act to re-



wise, amend, and consolidate the several acts relating to the village of Canandaigua, and to repeal certain acts and parts of acts,' and the several acts amendatory thereof, generally." (No. 2376, Int. No. 1373.)

On motion of Mr. Foley, the committee on rules was instructed to report Assembly bill (No. 2313, Int. No. 456), entitled "An act to regulate the taking of deposits by certain persons and partnerships," with the following amendments:

Page 1, line 1, after the figure 1, insert "In cities of a population of one million or over", and make letter "A" in the word "All" lower case.

Page 1, line 7, strike out beginning with the word "for" down to and including the word "thousand" on line 8.

Line 9, strike out beginning with the word "and" down to and including the word "dollars" on line 11.

Page 7, line 23, strike out the words "one hundred" and insert "fifty".

Page 8, line 14, after the word "repealed" insert "in so far as it applies to cities of one million or over."

Mr. Speaker, from the committee on rules, reported said bill amended as directed.

On motion of Mr. Foley, said bill was ordered reprinted, as amended, and recommitted to said committee.

Mr. Merritt offered for the consideration of the House a resolution, in the words following:

Resolved, That on Tuesday, April 27th, at twelve o'clock, noon, the Assembly proceed to nominate a Regent of the University to fill the unexpired term of Charles A. Gardiner, deceased.

Mr. Speaker put the question whether the house would agree to said resolution and it was determined in the affirmative.

Mr. J. S. Phillips moved a call of the members of the House.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

By direction of the Speaker, the Clerk called the roll, when the following members responded:

Barden	Filley	Lachman	Miller J L	Stein
Bates	Foley	Lanahan	Miller W G	Stern
Baumann	Fowler	Lansing	Murphy C F	Sullivan
Baumes	Francis	Lazarus	Murray	Thompson
Bennett	Frisbie	Lee	Neupert	Thorn
Bohan	Garbe	Leffingwell	Nolan	Todd

Boshart	Geoghegan	Levy A J	Odell	Toombs
Brown C F	Glore	Levy J	Oliver	Travis
Brown G W	Glück	Lewis	O'Neil	Voss
Burhyte	Goodspeed	Lowe	Parker J S	Waddell
Callan	Graubard	Lowman	Partridge	Walters
Caughlan	Gray	MacGregor	Perkins	Ward
Cheney	Green	Manley	Phillips C W	Waters
Clarke	Gunderman	Marks	Phillips J S	Weaver
Colné	Hackett	Marlatt	Reed	Weimert
Conklin	Haines	Martin	Robinson	Wende
Cuvillier	Hammond	McCue	Rozan	White E H
De Groot	Hamn	McElligott	Sargent	White L H
Draper	Hawley	McFarlane	Schmidt	Whitley
Duell	Hemenway	McGrath	Schutta	Whitney
Eagleton	Herrick	McInerney	Scott	Williams
Edwards	Hoey	McKeon	Smith A E	Wood
Evans	Howard	McLaughlin	Smith C	Yale
Farrar	Jackson	Mead	Smith F L	Young E
Fay	Joseph	Merritt	Smith M	Young F L
Fellows	Klein	Millen		

Mr. Merritt moved that the House proceed with business during the pendency of the call.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Speaker announced the special order, being the bill (No. 2312) entitled "An act to amend the Election Law, in relation to the notice, time of holding, organization and conduct of primaries." (Int. No. 1359.)

Debate was had thereon, when Mr. Merritt moved the previous question.

Mr. Speaker put the question, "Shall the main question be now put?" and it was determined in the affirmative.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the negative, a majority of all the members elected to the Assembly not voting in favor thereof, and three-fifths being present.

AYES 73

NOES 52

Those who voted in the affirmative were:

Barden	Evans	Lazarus	Murray	Travis
Bates	Farrar	Lee	Nolan	Voss
Baumes	Fellows	Lowe	Parker J S	Waddell
Bennett	Filley	Lowman	Phillips C W	Walters

Brown G W	Fowler	Marks	Phillips J S	Weaver
Burhyte	Glore	Marlatt	Reed	White E H
Callan	Goodspeed	Martin	Robinson	Whitley
Cheney	Green	McFarlane	Sargent	Whitney
Clarke	Gunderman	McInerney	Scott	Williams
Colné	Haines	McLaughlin	Smith F L	Wood
Conklin	Hammond	Merritt	Sullivan	Yale
De Groot	Hamn	Millen	Surpless	Young E
Draper	Hemenway	Miller J L	Thompson	Young F. L.
Duell	Lachman	Miller W G	Toombs	Speaker
Edwards	Lansing	Murphy C F		

Those who voted in the negative were:

Baumann	Geoghegan	Klein	Mead	Smith A F
Bohan	Glück	Lanahan	Neupert	Smith C
Boshart	Graubard	Leffingwell	Odell	Spielberg
Caughlan	Gray	Levy A J	Oliver	Stein
Cuvillier	Hackett	Levy J	O'Neil	Stern
Eagleton	Hawley	MacGregor	Partridge	Thorn
Fay	Herrick	Manley J	Perkins	Todd
Foley	Hoey	McCue	Rozan	Weimert
Francis	Howard	McElligott	Schmidt	Wende
Frisbie	Jackson	McGrath	Schutta	White L H
Garbe	Joseph			

Mr. J. S. Phillips moved to reconsider the vote by which said bill was lost, and that said motion lie on the table.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Speaker announced the special order, being the bill (No. 2354) entitled "An act to grant to the city of New York certain lands under water in Jamaica bay and vicinity." (Int. No. 1568.)

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof.

AYES 127

NOES 00

Those who voted in the affirmative were:

Barden	Filley	Lachman	Millen	Smith M
Bates	Foley	Lanahan	Miller J L	Stein
Baumann	Fowler	Lansing	Miller W G	Stern
Baumes	Francis	Lazarus	Murphy C F	Sullivan
Bennett	Frisbie	Lee	Murray	Thompson
Bohan	Garbe	Leffingwell	Neupert	Thorn



Boshart	Geoghegan	Levy A J	Nolan	Todd
Brown C F	Glore	Levy J	Odell	Toombs
Brown G W	Glück	Lewis	Oliver	Travis
Burhyte	Goodspeed	Lowe	O'Neil	Voss
Callan	Graubard	Lowman	Parker F B	Waddell
Caughlan	Gray	MacGregor	Parker J S	Walters
Cheney	Green	Manley	Partridge	Ward
Clarke	Gunderman	Marks	Perkins	Waters
Colné	Hackett	Marlatt	Phillips J S	Weaver
Conklin	Haines	Martin	Reed	Weimert
Cuvillier	Hammond	McCue	Robinson	Wende
De Groot	Hamn	McElligott	Rozan	White E H
Draper	Hawley	McFarlane	Sargent	White L H
Duell	Hemenway	McGrath	Schmidt	Whitley
Eagleton	Herrick	McInerney	Schutta	Whitney
Edwards	Hoey	McKeon	Scott	Williams
Evans	Howard	McLaughlin	Smith A E	Wood
Farrar	Johnson	Mead	Smith C	Yale
Fay	Joseph	Merritt	Smith F L	Young F L
Fellows	Klein			

Ordered, That the Clerk engross said bill and deliver the same to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 2329) entitled "An act to make the office of supervisor in the county of Fulton a salaried office." (Int. No. 1005.)

Said bill having been announced,

Mr. Partridge moved that said bill be recommitted to the committee on rules, with instructions to report the same forthwith, amended as follows:

Page 1, line 8, insert a period after the word "January", and strike out the balance of line 8 and all of line 9.

Page 2, strike out lines 1, 2 and 3.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Speaker, from the committee on rules, reported said bill amended as directed, and the same was ordered reprinted and placed on the order of third reading.

Mr. Speaker announced the special order, being the bill (No. 1968) entitled "An act to amend sections four hundred and thirty-eight and four hundred and thirty-nine of the Code of Civil Procedure, relative to service of summons without the State or by publication." (Int. No. 1537.)

Said bill having been announced for a third reading,

On motion of Mr. C. F. Murphy, said bill was laid aside, retaining its place on the order of third reading.

Mr. Speaker announced the special order, being the bill (No. 2301) entitled "An act to amend the Liquor Tax Law, being chapter thirty-four of the Consolidated Laws, in relation to traffic in liquors within two hundred feet of a church." (Int. No. 1581.)

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the negative, two-thirds of all the members elected to the Assembly not voting in favor thereof.

AYES 37

NOES 73

Those who voted in the affirmative were:

Baumann	Garbe	Klein	McKeon	Smith A E
Bohan	Geoghegan	Lazarus	Neupert	Spielberg
Caughlan	Glück	Levy J	Oliver	Stein
Conklin	Graubard	Manley	O'Neil	Stern
Cuvillier	Hackett	Marks	Rozan	Todd
Eagleton	Herrick	McCue	Schmidt	Voss
Fay	Jackson	McGrath	Schutta	Wende
Foley	Joseph			

Those who voted in the negative were:

Barden	Farrar	Lansing	Odell	Thorn
Bates	Fellows	Lee	Parker J S	Toombs
Baumes	Filly	Leffingwel	Partridge	Travis
Bennett	Francis	Lowe	Perkins	Waddell
Boshart	Goodspeed	Lowman	Phillips C W	Ward
Brown G W	Gray	Marlatt	Phillips J S	Weaver
Burhyte	Green	McElligott	Reed	Weimert
Callan	Gunderman	McFarlane	Robinson	White E H
Cheney	Hamn	McInerney	Sargent	Whitney
Clarke	Hawley	Mead	Smith C	Williams
Colné	Hemenway	Merritt	Smith F L	Wood
De Groot	Hoey	Millen	Sullivan	Yale
Duell	Howard	Miller J L	Surpless	Young E
Edwards	Lachman	Miller W G	Thompson	Young F L
Evans	Lanahan	Murray		

Mr. A. E. Smith moved to reconsider the vote by which said bill was lost, and that said motion lie on the table.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Speaker announced the special order, being the bill (No. 1845) entitled "An act to amend the Public Health Law, in relation to fees of physicians for making examinations in tuberculosis cases." (Int. No. 1457.)

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 132

NOES 00

Those who voted in the affirmative were:

Barden	Foley	Lansing	Miller W G	Stein
Bates	Fowler	Lazarus	Murphy C F	Stern
Baumann	Francis	Lee	Murray	Sullivan
Baumes	Frisbie	Leffingwell	Neupert	Surpless
Bennett	Garbe	Levy A J	Nolan	Thompson
Bohan	Geoghegan	Levy J	Odell	Thorn
Boshart	Glore	Lewis	Oliver	Todd
Brown C F	Glück	Lowe	O'Neil	Toombs
Brown G W	Goodspeed	Lowman	Parker F B	Travis
Burhyte	Graubard	Lupton	Parker J S	Voss
Callan	Gray	MacGregor	Partridge	Waddell
Caughlan	Green	Manley	Perkins	Walters
Cheney	Gunderman	Marks	Phillips C W	Ward
Clarke	Hackett	Marlatt	Phillips J S	Waters
Colné	Haines	Martin	Reed	Weaver
Conklin	Hammond	McCue	Robinson	Weimert
Cuvillier	Hamn	McElligott	Rozan	Wende
De Groot	Hawley	McFarlane	Sanner	White E H
Draper	Hemenway	McGrath	Sargent	White L H
Duell	Herrick	McInerney	Schmidt	Whitley
Eagleton	Hoey	McKeon	Schutta	Whitney
Edwards	Howard	McLaughlin	Scott	Williams
Evans	Jackson	Mead	Smith A E	Wood
Farrar	Joseph	Merritt	Smith C	Yale
Fay	Klein	Millen	Smith F L	Young E
Fellows	Lachman	Miller J L	Smith M	Young F L
Filley	Lanahan			

Ordered, That the Clerk engross said bill and deliver the same to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 2116) entitled "An act to amend the Code of Civil Procedure in relation to substitutes for personal service on domestic corporations in certain cases." (Int. No. 1607.)

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree



to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 132

NOES 00

Those who voted in the affirmative were:

Barden	Foley	Lansing	Miller W G	Stein
Bates	Fowler	Lazarus	Murphy C F	Stern
Baumann	Francis	Lee	Murray	Sullivan
Baumes	Frisbie	Leffingwell	Neupert	Surpless
Bennett	Garbe	Levy A J	Nolan	Thompson
Bohan	Geoghegan	Levy J	Odell	Thorn
Boshart	Glore	Lewis	Oliver	Todd
Brown C F	Glück	Lowe	O'Neil	Toombs
Brown G W	Goodspeed	Lowman	Parker F B	Travis
Burhyte	Graubard	Lupton	Parker J S	Voss
Callan	Gray	MacGregor	Partridge	Waddell
Caughlan	Green	Manley	Perkins	Walters
Cheney	Gunderman	Marks	Phillips C W	Ward
Clarke	Hackett	Marlatt	Phillips J S	Waters
Colné	Haines	Martin	Reed	Weaver
Conklin	Hammond	McCue	Robinson	Weimert
Cuvillier	Hamn	McElligott	Rozan	Wende
De Groot	Hawley	McFarlane	Sanner	White E H
Draper	Hemenway	McGrath	Sargent	White L H
Duell	Herrick	McInerney	Schmidt	Whitley
Eagleton	Hoey	McKeon	Schutta	Whitney
Edwards	Howard	McLaughlin	Scott	Williams
Evans	Jackson	Mead	Smith A E	Wood
Farrar	Joseph	Merritt	Smith C	Yale
Fay	Klein	Millen	Smith F L	Young E
Fellows	Lachman	Miller J L	Smith M	Young F L
Filley	Lanahan			

Ordered, That the Clerk engross said bill and deliver the same to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the Senate bill (No. 1315) entitled "An act to amend section sixteen hundred and seventy-four of the Code of Civil Procedure in relation to the cancellation of lis pendens." (Rec. No. 244.)

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 132

NOES 00

Those who voted in the affirmative were:

Barden	Foley	Lansing	Miller W G	Stein
Bates	Fowler	Lazarus	Murphy C F	Stern
Baumann	Francis	Iee	Murray	Sullivan
Baumes	Frisbie	Leffingwell	Neupert	Surpless
Bennett	Garbe	Levy A J	Nolan	Thompson
Bohan	Geoghegan	Levy J	Odell	Thorn
Boshart	Glore	Lewis	Oliver	Todd
Brown C F	Glück	Lowe	O'Neil	Toombs
Brown G W	Goodspeed	Lowman	Parker F B	Travis
Burhyte	Graubard	Lupton	Parker J S	Voss
Callan	Gray	MacGregor	Partridge	Waddell
Caughlan	Green	Manley	Perkins	Walters
Cheney	Gunderman	Marks	Phillips C W	Ward
Clarke	Hackett	Marlatt	Phillips J S	Waters
Colné	Haines	Martin	Reed	Weaver
Conklin	Hammond	McCue	Robinson	Weimert
Cuvillier	Hamn	McElligott	Rozan	Wende
De Groot	Hawley	McFarlane	Sanner	White E H
Draper	Hemenway	McGrath	Sargent	White L H
Duell	Herrick	McInerney	Schmidt	Whitley
Eagleton	Hoey	McKeon	Schutta	Whitney
Edwards	Howard	McLaughlin	Scott	Williams
Evans	Jackson	Mead	Smith A E	Wood
Farrar	Joseph	Merritt	Smith C	Yale
Fay	Klein	Millen	Smith F L	Young E
Fellows	Lachman	Miller J I	Smith M	Young F L
Filley	Lanahan			

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 800) entitled "An act to amend the Greater New York charter, relative to the powers of the commissioners of the sinking fund of the city of New York, in their discretion, to cancel and annul taxes, assessments, Croton water rents, et cetera, in certain cases." (Rec. No. 187.)

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 132

NOES 00

Those who voted in the affirmative were:

Barden	Foley	Lansing	Miller W G	Stein
Bates	Fowler	Lazarus	Murphy C F	Stern
Baumann	Francis	Lee	Murray	Sullivan
Baumes	Frisbie	Leffingwell	Neupert	Surpless
Bennett	Garbe	Levy J A	Nolan	Thompson
Bohan	Geoghegan	Levy J	Odell	Thorn
Boshart	Glore	Lewis	Oliver	Todd
Brown C F	Glück	Lowe	O'Neil	Toombs
Brown G W	Goodspeed	Lowman	Parker F B	Travis
Burhyte	Graubard	Lupton	Parker J S	Voss
Callan	Gray	MacGregor	Partridge	Waddell
Caughlan	Green	Manley	Perkins	Walters
Cheney	Gunderman	Marks	Phillips C W	Ward
Clarke	Hackett	Marlatt	Phillips J S	Waters
Colne	Haines	Martin	Reed	Weaver
Conklin	Hammond	McCue	Robinson	Weimert
Cuvillier	Hamn	McElligott	Rozan	Wende
De Groot	Hawley	McFarlane	Sanner	White E H
Draper	Hemenway	McGrath	Sargent	White L H
Duell	Herrick	McInerney	Schmidt	Whitley
Eagleton	Hoey	McKeon	Schutta	Whitney
Edwards	Howard	McLaughlin	Scott	Williams
Evans	Jackson	Mead	Smith A E	Wood
Farrar	Joseph	Merritt	Smith C	Yale
Fay	Klein	Mellen	Smith F L	Young E
Fellows	Lachman	Miller J L	Smith M	Young F L
Filley	Lanahan			

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the bill (No. 2330) entitled "An act to confer jurisdiction upon the Court of Claims to hear and determine any and all claims against the State for damages alleged to have been sustained by any juror serving in any court of record in the State and to render judgment therefor." (Int. No. 64.)

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.



AYES 132

NOES 00

Those who voted in the affirmative were:

Barden	Foley	Lansing	Miller W G	Stein
Bates	Fowler	Lazarus	Murphy C F	Stern
Baumann	Francis	Lee	Murray	Sullivan
Baumes	Frisbie	Leffingwell	Neupert	Surpless
Bennett	Gerbe	Levy A J	Nolan	Thompson
Bohan	Geoghegan	Levy J	Odell	Thorn
Boshart	Glore	Lewis	Oliver	Todd
Brown C F	Glück	Lowe	O'Neil	Toombs
Brown G W	Goodspeed	Lowman	Parker F B	Travis
Burhyte	Graubard	Lupton	Parker J S	Voss
Callan	Gray	MacGregor	Partridge	Waddell
Caughlan	Green	Manley	Perkins	Walters
Cheney	Gunderman	Marks	Phillips C W	Ward
Clarke	Hackett	Marlatt	Phillips J S	Waters
Colné	Haines	Martin	Reed	Weaver
Conklin	Hammond	McCue	Robinson	Weimert
Cuvillier	Hamm	McElligott	Rozan	Wende
De Groot	Hawley	McFarlane	Sanner	White E H
Draper	Hemenway	McGrath	Sargent	White L H
Duell	Herrick	McInerney	Schmidt	Whitley
Eagleton	Hoey	McKeon	Schutta	Whitney
Edwards	Howard	McLaughlin	Scott	Williams
Evans	Jackson	Mead	Smith A E	Wood
Farrar	Joseph	Merritt	Smith C	Yale
Fay	Klein	Millen	Smith F L	Young E
Fellows	Lachman	Miller J L	Smith M	Young F L
Filley	Lanahan			

Ordered, That the Clerk engross said bill and deliver the same to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 2334) entitled "An act to revise, consolidate and amend generally chapter two hundred and twenty-five of the Laws of nineteen hundred and one, known as 'The Charter of the City of Oneida,' and the several acts amendatory thereof, and repealing certain acts." (Int. No. 1687.)

Said bill having been announced, Mr. Frisbie moved to amend as follows:

Section 3, page 3, line 18, change "prosecution" to "action".

Section 11, page 9, line 14, change "shal" to "shall".

Section 13, subdivision 2, page 11, lines 8 to 20, change entire subdivision to read as follows:

"2. Term of office of the appointive officers.—The term of office of the city clerk, two years; deputy city clerk, two years; city constable, two years; the city attorney, two years; the commissioner of charity, two years; of the superintendent of schools, three years; of hospital commissioners, three years; of members of

the board of education, five years; of the commissioner of public works, two years; of the park commissioner, two years; of each commissioner of deeds, two years; of each member of the board of health, two years; of the city physician, two years; of the appointive assessor pursuant to the provisions authorized and required by this act or general laws, the time therein specified in said laws."

Section 14, page 12, line 17, change "elective" to "election".

Section 30, page 18, line 20, strike out "to" after "also".

Section 31, page 19, line 10, change "same" to "some".

Section 41, page 27, line 22, strike out [.] after "mayor" and add "except as hereafter limited by section 63 of this act".

Section 48, page 43, line 15, insert "last" before "assessment".

Section 73, page 55, line 24, change "treasury" at the end of the line to "treasurer".

Section 96, page 78, line 9, change "instalment" to "instalments".

Section 144, page 117, line 9, strike out "and" before "for", and "the" after "for".

Section 190, page 142, line 12, change "bank" to "blank".

Section 235, page 171, line 13, after "necessarily" add "made, that no part thereof has been paid. Such affidavit".

Section 261, page 186, line 16, change "nineteen hundred and one" to "nineteen hundred and nine".

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative.

On motion of Mr. Burhyte, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 84

NOES 39

Those who voted in the affirmative were:

Barden  
Bates  
Baumes  
Bennett

Farrar  
Fellows  
Filley  
Fowler

Lansing  
Lazarus  
Lee  
Lewis

Murphy C F  
Murray  
Nolan  
Odell

Thorn  
Toombs  
Travis  
Voss

Boshart	Francis	Lowman	Parker J S	Waddell
Brown C F	Glore	MacGregor	Perkins	Ward
Brown G W	Goodspeed	Marks	Phillips C W	Waters
Burhyte	Gray	Marlatt	Phillips J S	Weaver
Callan	Green	Martin	Reed	Weimert
Cheney	Gunderman	McFarlane	Robinson	White E H
Clarke	Haines	McInerney	Sanner	Whitley
Colné	Hammond	McLaughlin	Scott	Williams
Conklin	Hamn	Mead	Smith C	Wood
De Groot	Hawley	Merritt	Smith F L	Yale
Draper	Hemenway	Millen	Sullivan	Young E
Duell	Howard	Miller J L	Surpless	Young F L
Edwards	Lachman	Miller W G	Thompson	

Those who voted in the negative were:

Baumann	Garbe	Klein	McKeon	Smith A E
Bohan	Geoghegan	Lanahan	Neupert	Spielberg
Caughlan	Glück	Leffingwell	Oliver	Stein
Cuvillier	Hackett	Levy A J	O'Neil	Stern
Eagleton	Herrick	Levy J	Partridge	Todd
Evans	Hoey	Manley	Rozan	Wende
Fay	Jackson	McElligott	Schmidt	White L H
Frisbie	Joseph	McGrath	Schutta	

Ordered, That the Clerk engross said bill and deliver the same to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the Senate bill (No. 881, Assembly reprint No. 2328) entitled "An act to amend the Penal Law, in relation to the unauthorized use of vehicles." (Rec. No. 147.)

On motion of Mr. Robinson, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 126

NOES 00

Those who voted in the affirmative were:

Barden	Filley	Klein	Merritt	Smith F L
Bates	Foley	Lachman	Millen	Smith M
Baumann	Fowler	Lanahan	Miller J I	Stein
Baumes	Francis	Lansing	Miller W G	Stern
Bennett	Frisbie	Lazarus	Murphy C F	Sullivan
Bohan	Garbe	Lee	Murray	Thompson
Boshart	Geoghegan	Leffingwell	Neupert	Thorn



Brown C F	Glore	Levy A J	Nolan	Todd
Brown G W	Glück	Levy J	Odell	Toombs
Burhyte	Goodspeed	Lewis	Oliver	Travis
Callan	Graubard	Lowe	O'Neil	Voss
Caughlan	Gray	Lowman	Parker F B	Waddell
Cheney	Green	MacGregor	Parker J S	Walters
Clarke	Gunderman	Manley	Partridge	Ward
Colné	Hackett	Marks	Perkins	Waters
Conklin	Haines	Marlatt	Phillips J S	Weaver
Cuvillier	Hammond	Martin	Reed	Wende
De Groot	Hamn	McCue	Robinson	White E H
Draper	Hawley	McElligott	Rozan	White L H
Duell	Hemenway	McFarlane	Sargent	Whitley
Eagleton	Herrick	McGrath	Schmidt	Whitney
Edwards	Hoey	McInerney	Schutta	Williams
Evans	Howard	McKeon	Scott	Wood
Farrar	Jackson	McLaughlin	Smith A E	Yale
Fay	Joseph	Mead	Smith C	Young F L
Fellows				

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same, with amendments.

Mr. Speaker announced the special order, being the bill (No. 2338) entitled "An act to amend the Code of Civil Procedure, relating to matrimonial actions." (Int. No. 971.)

Debate was had thereon, when Mr. Merritt moved the previous question.

Mr. Speaker put the question, "Shall the main question be now put?" and it was determined in the affirmative.

On motion of Mr. Weimert, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the negative, two-thirds of all the members elected to the Assembly not voting in favor thereof.

AYES 28

NOES 80

Those who voted in the affirmative were:

Bates	Fellows	Lee	Murray	Thompson
Baumes	Filley	MacGregor	Oliver	Thorn
Bennett	Fowler	McFarlane	Rozan	Weimert
Callan	Francis	McGrath	Sargent	Williams
Cheney	Jackson	Merritt	Sullivan	Wood
Duell	Lansing	Miller W G		

## Those who voted in the negative were:

Barden	Frisbie	Lazarus	Murphy C F	Smith F L
Baumann	Garbe	Levy A J	Neupert	Spielberg
Bohan	Geoghegan	Levy J	Nolan	Stein
Boshart	Glore	Lewis	Odell	Surpless
Brown C F	Glück	Lowe	O'Neil	Toombs
Burhyte	Goodspeed	Lowman	Parker J S	Travis
Colné	Gunderman	Manley	Partridge	Voss
Conklin	Hackett	Marks	Perkins	Walters
Cuvillier	Haines	Marlatt	Phillips J S	Ward
De Groot	Hammond	Martin	Reed	Weaver
Eagleton	Hamn	McElligott	Robinson	Wende
Edwards	Hawley	McInerney	Schmidt	White E H
Evans	Howard	McKeon	Schutta	White L H
Farrar	Joseph	McLaughlin	Scott	Whitley
Fay	Klein	Mead	Shea	Yale
Foley	Lanahan	Miller J L	Smith C	Young F L

Mr. Weimert moved to reconsider the vote by which said bill was lost, and that said motion lie on the table.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

By unanimous consent, Mr. Martin moved to instruct the committee on rules to report Senate bill (No. 1463, Rec. No. 308), entitled "An act making provision for issuing bonds to the amount of not to exceed seven million dollars for the improvement of the Cayuga and Seneca canals, and providing for a submission of the same to the people to be voted upon at the general election to be held in the year nineteen hundred and nine."

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Speaker, from the committee on rules, reported said bill as instructed.

On motion of Mr. Martin, and by unanimous consent, said bill was read the second time and ordered to a third reading.

On motion of Mr. Martin, and by unanimous consent, said bill was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question, "Shall this bill pass and ought the same receive the sanction of the people?" and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 132

NOES 00

Those who voted in the affirmative were:

Barden	Foley	Lansing	Miller W G	Stein
Bates	Fowler	Lazarus	Murphy C F	Stern
Baumann	Francis	Lee	Murray	Sullivan
Baumes	Frisbie	Leffingwell	Neupert	Surpless
Bennett	Garbe	Levy A J	Nolan	Thompson
Bohan	Geoghegan	Levy J	Odell	Thorn
Boshart	Glore	Lewis	Oliver	Todd
Brown C F	Glück	Lowe	O'Neil	Toombs
Brown G W	Goodspeed	Lowman	Parker F B	Travis
Burhyte	Graubard	Lupton	Parker J S	Voss
Callan	Gray	MacGregor	Partridge	Waddell
Caughlan	Green	Manley	Perkins	Walters
Cheney	Gunderman	Marks	Phillips C W	Ward
Clarke	Hackett	Marlatt	Phillips J S	Waters
Colné	Haines	Martin	Reed	Weaver
Conklin	Hammond	McCue	Robinson	Weimert
Cuvillier	Hamm	McElligott	Rozan	Wende
De Groot	Hawley	McFarlane	Sanner	White E H
Draper	Hemenway	McGrath	Sargent	White L H
Duell	Herrick	McInerney	Schmidt	Whitley
Eagleton	Hoey	McKeon	Schutta	Whitney
Edwards	Howard	McLaughlin	Scott	Williams
Evans	Jackson	Mead	Smith A E	Wood
Farrar	Joseph	Merritt	Smith C	Yale
Fay	Klein	Millen	Smith F L	Young E
Fellows	Lachman	Miller J L	Smith M	Young F L
Filley	Lanahan			

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the bill (No. 2339) entitled "An act making provision for issuing bonds to the amount of not to exceed seven million dollars for the improvement of the Cayuga and Seneca canals, and providing for a submission of the same to the people to be voted upon at the general election to be held in the year nineteen hundred and nine." (Int. No. 1713.)

Said bill having been announced for a third reading,

On motion of Mr. Martin, said bill was laid aside and ordered stricken from the calendar.

Mr. Speaker announced the special order, being the Senate bill (No. 806, Assembly reprint No. 2357) entitled "An act to permit life insurance companies to issue policies of insurance and annuities with special rates of premiums to labor unions and other organizations." (Rec. No. 170.)



Said bill having been announced for a second reading,

On motion of Mr. A. E. Smith, and by unanimous consent, said bill was ordered placed on the second and third reading calendar for Tuesday next.

Mr. Speaker announced the special order, being the bill (No. 2356) entitled "An act to amend the Railroad Law, in relation to consolidation of corporations owning continuous lines." (Int. No. 658.)

On motion of Mr. J. S. Parker, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 132

NOES 00

Those who voted in the affirmative were:

Barden	Foley	Lansing	Miller W G	Stein
Bates	Fowler	Lazarus	Murphy C F	Stern
Baumann	Francis	Lee	Murray	Sullivan
Baumes	Frisbie	Leffingwell	Neupert	Surpluss
Bennett	Garbe	Levy A J	Nolan	Thompson
Bohan	Geoghegan	Levy J	Odell	Thorn
Boshart	Glore	Lewis	Oliver	Todd
Brown C F	Glück	Lowe	O'Neil	Toombs
Brown G W	Goodspeed	Lowman	Parker F B	Travis
Burhyte	Graubard	Lupton	Parker J S	Voss
Callan	Gray	MacGregor	Partridge	Waddell
Caughlan	Green	Manley	Perkins	Walters
Cheney	Gunderman	Marks	Phillips C W	Ward
Clarke	Hackett	Marlatt	Phillips J S	Waters
Colné	Haines	Martin	Reed	Weaver
Conklin	Hammond	McCue	Robinson	Weimert
Cuvillier	Hamm	McElligott	Rozan	Wende
De Groot	Hawley	McFarlane	Sanner	White E H
Draper	Hemenway	McGrath	Sargent	White L H
Duell	Herrick	McInerney	Schmidt	Whitley
Eagleton	Hoey	McKeon	Schutta	Whitney
Edwards	Howard	McLaughlin	Scott	Williams
Evans	Jackson	Mead	Smith A E	Wood
Farrar	Joseph	Merritt	Smith C	Yale
Fay	Klein	Millen	Smith F L	Young E
Fellows	Lachman	Miller J L	Smith M	Young F L
Filley	Lanahan			

Ordered, That the Clerk engross said bill and deliver the same to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the Senate bill (No. 987, Assembly reprint No. 2355) entitled "An act to amend the Insurance Law in relation to the admission of minors as members of fraternal beneficiary societies, orders or associations." (Rec. No. 235.)

On motion of Mr. Waters, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof.

AYES 132

NOES 00

Those who voted in the affirmative were:

Barden	Foley	Lansing	Miller W G	Stein
Bates	Fowler	Lazarus	Murphy C F	Stern
Baumann	Francis	Lee	Murray	Sullivan
Baumes	Frisbie	Leffingwell	Neupert	Surpless
Bennett	Garbe	Levy A J	Nolan	Thompson
Bohan	Geoghegan	Levy J	Odell	Thorn
Boshart	Glore	Lewis	Oliver	Todd
Brown C F	Glück	Lowe	O'Neil	Toombs
Brown G W	Goodspeed	Lowman	Parker F B	Travis
Burhyte	Graubard	Lupton	Parker J S	Voss
Callan	Gray	MacGregor	Pertridge	Waddell
Caughlan	Green	Manley	Perkins	Walters
Cheney	Gunderman	Marks	Phillips C W	Ward
Clarke	Hackett	Marlett	Phillips J S	Waters
Colné	Haines	Martin	Reed	Weaver
Conklin	Hammond	McCue	Robinson	Weimert
Cuvillier	Hamn	McElligott	Rozan	Wende
De Groot	Hawley	McFarlane	Sanner	White E H
Draper	Hemenway	McGrath	Sargent	White L H
Duell	Herrick	McInerney	Schmidt	Whitley
Eagleton	Hoey	McKeon	Schutta	Whitney
Edwards	Howard	McLaughlin	Scott	Williams
Evans	Jackson	Mead	Smith A E	Wood
Farrar	Joseph	Merritt	Smith C	Yale
Fay	Klein	Millen	Smith F L	Young E
Fellows	Lachman	Miller J L	Smith M	Young F L
Filley	Lanahan			

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same, with amendments.

Mr. Speaker announced the special order, being the bill (No. 2325) entitled "An act to repeal chapter three hundred and forty of the Laws of nineteen hundred and eight, entitled 'An act to amend title six of chapter two hundred and three of the Laws of nineteen hundred and seven, entitled "An act to revise and amend the charter of the city of Newburgh," being chapter five hundred and forty-one of the Laws of eighteen hundred and sixty-five, and the several acts amendatory thereof and supplemental thereto.'" (Int. No. 1735.)

On motion of Mr. Baumes, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 132

NOES 00

Those who voted in the affirmative were:

Barden	Foley	Lansing	Miller W G	Stein
Bates	Fowler	Lazarus	Murphy C F	Stern
Baumann	Francis	Lee	Murray	Sullivan
Baumes	Frisbie	Leffingwell	Neupert	Surpless
Bennett	Garbe	Levy A J	Nolan	Thompson
Bohan	Geoghegan	Levy J	Odell	Thorn
Boshart	Glore	Lewis	Oliver	Todd
Brown C F	Glück	Lowe	O'Neil	Toombs
Brown G W	Goodspeed	Lowman	Parker F B	Travis
Burhyte	Graubard	Lupton	Parker J S	Voss
Callan	Gray	MacGregor	Partridge	Waddell
Caughlan	Green	Manley	Perkins	Walters
Cheney	Gunderman	Marks	Phillips C W	Ward
Clarke	Hackett	Marlatt	Phillips J S	Waters
Colné	Haines	Martin	Reed	Weaver
Conklin	Hammond	McCue	Robinson	Weimert
Cuvillier	Hamn	McElligott	Rozan	Wende
De Groot	Hawley	McFarlane	Sanner	White E H
Draper	Hemenway	McGrath	Sargent	White L H
Duell	Herrick	McInerney	Schmidt	Whitley
Eagleton	Hoey	McKeon	Schutta	Whitney



Edwards	Howard	McLaughlin	Scott	Williams
Evans	Jackson	Mead	Smith A E	Wood
Farrar	Joseph	Merritt	Smith C	Yale
Fay	Klein	Millen	Smith F L	Young E
Fellows	Lachman	Miller J L	Smith M	Young F L
Filley	Lanahan			

Ordered, That the Clerk engross said bill and deliver the same to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 2320) entitled "An act to amend the Greater New York charter, relative to the opening of streets and parks, and the acquisition of title in fee or to an easement therein, or in lands for public purposes not elsewhere provided for." (Int. No. 1730.)

On motion of Mr. Foley, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 132

NOES 00

Those who voted in the affirmative were:

Barden	Foley	Lansing	Miller W G	Stein
Bates	Fowler	Lazarus	Murphy C F	Stern
Baumann	Francis	Lee	Murray	Sullivan
Baumes	Frisbie	Leffingwell	Neupert	Surpless
Bennett	Garbe	Levy A J	Nolan	Thompson
Bohan	Geoghegan	Levy J	Odell	Thorn
Boshart	Glore	Lewis	Oliver	Todd
Brown C F	Glück	Lowe	O'Neil	Toombs
Brown G W	Goodspeed	Lowman	Parker F B	Travis
Burhyte	Graubard	Lupton	Parker J S	Voss
Callan	Gray	MacGregor	Partridge	Waddell
Caughlan	Green	Manley	Perkins	Walters
Cheney	Gunderman	Marks	Phillips C W	Ward
Clarke	Hackett	Marlatt	Phillips J S	Waters
Colné	Haines	Martin	Reed	Weaver
Conklin	Hammond	McCue	Robinson	Weimert
Cuvillier	Hamn	McElligott	Rozan	Wende
De Groot	Hawley	McFarlane	Sanner	White E H
Draper	Hemenway	McGrath	Sargent	White L H
Duell	Herrick	McInerney	Schmidt	Whitley
Eagleton	Hoey	McKeon	Schutta	Whitney
Edwards	Howard	McLaughlin	Scott	Williams

Evans	Jackson	Mead	Smith A E	Wood
Farrar	Joseph	Merritt	Smith C	Yale
Fay	Klein	Millen	Smith F L	Young E
Fellows	Lachman	Miller J L	Smith M	Young F L
Filley	Lanahan			

Ordered, That the Clerk engross said bill and deliver the same to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 2323) entitled "An act to amend the Village Law, in relation to the dedication of streets." (Int. No. 1733.)

On motion of Mr. Howard, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof.

AYES 129

NOES 00

Those who voted in the affirmative were:

Barden	Filley	Lachman	Miller J L	Smith M
Bates	Foley	Lanahan	Miller W G	Stein
Baumann	Fowler	Lansing	Murphy C F	Stern
Baumes	Francis	Lazarus	Murray	Sullivan
Bennett	Frisbie	Lee	Neupert	Thompson
Bohan	Garbe	Leffingwell	Nolan	Thorn
Boshart	Geoghegan	Levy A J	Odell	Todd
Brown C F	Glore	Levy J	Oliver	Toombs
Brown G W	Glück	Lewis	O'Neil	Travis
Burhyte	Goodspeed	Lowe	Parker F B	Voss
Callan	Graubard	Lowman	Parker J S	Waddell
Caughlan	Gray	MacGregor	Partridge	Walters
Cheney	Green	Manley	Perkins	Ward
Clarke	Gunderman	Marks	Phillips C W	Waters
Colné	Hackett	Marlatt	Phillips J S	Weaver
Conklin	Haines	Martin	Reed	Weimert
Cuvillier	Hammond	McCue	Robinson	Wende
De Groot	Hamn	McElligott	Rozan	White E H
Draper	Howley	McFarlane	Sanner	White L H
Dueli	Hemenway	McGrath	Sargent	Whitley
Eagleton	Herrick	McInerney	Schmidt	Whitney
Edwards	Hoey	McKeon	Schutta	Williams
Evans	Howard	McLaughlin	Scott	Wood
Farrar	Jackson	Mead	Smith A E	Yale
Fay	Joseph	Merritt	Smith C	Young F L
Fellows	Klein	Millen	Smith F L	

Ordered, That the Clerk engross said bill and deliver the same to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 1460) entitled "An act to provide for the acquisition and preservation of the historic house formerly owned and occupied by General Nicholas Herkimer, in the town of Danube, in the county of Herkimer, and making an appropriation therefor." (Int. No. 1259.)

On motion of Mr. Fellows, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof.

AYES 132

NOES 00

Those who voted in the affirmative were:

Barden	Foley	Lansing	Miller W G	Stein
Bates	Fowler	Lazarus	Murphy C F	Stern
Baumann	Francis	Lee	Murray	Sullivan
Baumes	Frisbie	Leffingwell	Neupert	Surpless
Bennett	Garbe	Levy A J	Nolan	Thompson
Bohan	Geoghegan	Levy J	Odell	Thorn
Boshart	Glore	Lewis	Oliver	Todd
Brown C F	Glück	Lowe	O'Neil	Toombs
Brown G W	Goodspeed	Lowman	Parker F B	Travis
Burhyte	Graubard	Lupton	Parker J S	Voss
Callan	Gray	MacGregor	Partridge	Waddell
Caughlan	Green	Manley	Perkins	Walters
Cheney	Gunderman	Marks	Phillips C W	Ward
Clarke	Hackett	Marlatt	Phillips J S	Waters
Colné	Haines	Martin	Reed	Weaver
Conklin	Hammond	McCue	Robinson	Weimert
Cuvillier	Hamn	McElligott	Rozan	Wende
De Groot	Hawley	McFarlane	Sanner	White E H
Draper	Hemenway	McGrath	Sargent	White L H
Duell	Herrick	McInerney	Schmidt	Whitley
Eagleton	Hoey	McKeon	Schutta	Whitney
Edwards	Howard	McLaughlin	Scott	Williams
Evans	Jackson	Mead	Smith A E	Wood
Farrer	Joseph	Merritt	Smith C	Yale
Fay	Klein	Millen	Smith F L	Young E
Fellows	Lachman	Miller J L	Smith M	Young F L
Filley	Lanahan			



Ordered, That the Clerk engross said bill and deliver the same to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 2348) entitled "An act making an appropriation for the New York State Hospital for the Care of Crippled and Deformed Children." (Int. No. 1744.)

On motion of Mr. Robinson, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof.

AYES 132

NOES 00

Those who voted in the affirmative were:

Barden	Foley	Lansing	Miller W G	Stein
Bates	Fowler	Lazarus	Murphy C F	Stern
Baumann	Francis	Lee	Murray	Sullivan
Baumes	Frisbie	Leffingwell	Neupert	Surpless
Bennett	Garbe	Levy A J	Nolan	Thompson
Bohan	Geoghegan	Levy J	Odell	Thorn
Boshart	Glore	Lewis	Oliver	Todd
Brown C F	Glück	Lowe	O'Neil	Toombs
Brown G W	Goodspeed	Lowman	Parker F B	Travis
Burhyte	Graubard	Lupton	Parker J S	Voss
Callan	Gray	MacGregor	Partridge	Waddell
Caughlan	Green	Manley	Perkins	Walters
Cheney	Gunderman	Marks	Phillips C W	Ward
Clarke	Hackett	Marlatt	Phillips J S	Waters
Colne	Haines	Martin	Reed	Weaver
Conklin	Hammond	McCue	Robinson	Weimert
Cuvillier	Hamm	McElligott	Rozan	Wende
De Groot	Hawley	McFarlane	Sanner	White E H
Draper	Hemenway	McGrath	Sargent	White L H
Duell	Herrick	McInerney	Schmidt	Whitley
Eagleton	Hoey	McKeon	Schutta	Whitney
Edwards	Howard	McLaughlin	Scott	Williams
Evans	Jackson	Mead	Smith A E	Wood
Farrar	Joseph	Merritt	Smith C	Yale
Fay	Klein	Millen	Smith F L	Young E
Fellows	Lachman	Miller J L	Smith M	Young F L
Filley	LANAHAN			

Ordered, That the Clerk engross said bill and deliver the same to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 2341) entitled "An act to authorize the village of Middleburgh, in Schoharie county, to acquire the title to an old and abandoned burying ground in the village, and to establish and maintain a public park or square thereon." (Int. No. 1737.)

On motion of Mr. Frisbie, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof.

AYES 132

NOES 00

Those who voted in the affirmative were:

Barden	Foley	Lansing	Miller W G	Stein
Bates	Fowler	Lazarus	Murphy C F	Stern
Baumann	Francis	Lee	Murray	Sullivan
Baumes	Frisbie	Leffingwell	Neupert	Surpless
Bennett	Garbe	Levy A J	Nolan	Thompson
Bohan	Geoghegan	Levy J	Odell	Thorn
Boshart	Glore	Lewis	Oliver	Todd
Brown C F	Glück	Lowe	O'Neil	Toombs
Brown G W	Goodspeed	Lowman	Parker F B	Travis
Burhyte	Graubard	Lupton	Parker J S	Voss
Callan	Gray	MacGregor	Partridge	Waddell
Caughlan	Green	Manley	Perkins	Walters
Cheney	Gunderman	Marks	Phillips C W	Ward
Clarke	Hackett	Marlatt	Phillips J S	Waters
Colné	Haines	Martin	Reed	Weaver
Conklin	Hammond	McCue	Robinson	Weimert
Cuvillier	Hamn	McElligott	Rozan	Wende
De Groot	Hawley	McFarlane	Sanner	White E H
Draper	Hemenway	McGrath	Sargent	White L H
Duell	Herrick	McInerney	Schmidt	Whitley
Eagleton	Hoey	McKeon	Schutta	Whitney
Edwards	Howard	McLaughlin	Scott	Williams
Evans	Jackson	Mead	Smith A E	Wood
Farrar	Joseph	Merritt	Smith C	Yale
Fay	Klein	Millen	Smith F L	Young E
Fellows	Lachman	Miller J L	Smith M	Young F L
Filley	Lanahan			

Ordered, That the Clerk engross said bill and deliver the same to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the Senate bill (No. 1319) entitled "An act to amend the Greater New York

charter, relative to increasing the number of police clerks' assistants in the city magistrates' courts of the first division of the city of New York." (Rec. No. 263.)

On motion of Mr. Oliver, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof.

AYES 132

NOES 00

Those who voted in the affirmative were:

Barden	Foley	Lansing	Miller W G	Stein
Bates	Fowler	Lazarus	Murphy C F	Stern
Baumann	Francis	Lee	Murray	Sullivan
Baumes	Frisbie	Leffingwell	Neupert	Surpless
Bennett	Garbe	Levy A J	Nolan	Thompson
Bohan	Geoghegan	Levy J	Odell	Thorn
Boshart	Glore	Lewis	Oliver	Todd
Brown C F	Glück	Lowe	O'Neil	Toombs
Brown G W	Goodspeed	Lowman	Parker F B	Travis
Burhyte	Graubard	Lupton	Parker J S	Voss
Callan	Gray	MacGregor	Partridge	Waddell
Caughlan	Green	Manley	Perkins	Walters
Cheney	Gunderman	Marks	Phillips C W	Ward
Clarke	Hackett	Marlatt	Phillips J S	Waters
Colne	Haines	Martin	Reed	Weaver
Conklin	Hammond	McCue	Robinson	Weimert
Cuvillier	Hamn	McElligott	Rozan	Wende
De Groot	Hawley	McFarlane	Sanner	White E H
Draper	Hemenway	McGrath	Sargent	White L H
Duell	Herrick	McInerney	Schmidt	Whitley
Eagleton	Hoey	McKeon	Schutta	Whitney
Edwards	Howard	McLaughlin	Scott	Williams
Evans	Jackson	Mead	Smith A E	Wood
Farrar	Joseph	Merritt	Smith C	Yale
Fay	Klein	Millen	Smith F L	Young E
Fellows	Lachman	Miller J L	Smith M	Young F L
Filley	Lanahan			

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1229) entitled "An act to amend the Public Service



Commissions Law, relative to the approval of issue of stocks, bonds and other forms of indebtedness." (Rec. No. 237.)

On motion of Mr. Wood, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof.

AYES 133

NOES 1

Those who voted in the affirmative were:

Barden	Filley	Lanahan	Miller W G	Stein
Bates	Foley	Lansing	Murphy C F	Stern
Baumann	Fowler	Lazarus	Murray	Sullivan
Baumes	Francis	Lee	Neupert	Surpless
Bennett	Frisbie	Leffingwell	Nolan	Thompson
Bohan	Garbe	Levy A J	Odell	Thorn
Boshart	Geoghegan	Levy J	Oliver	Todd
Brady	Glore	Lewis	O'Neil	Toombs
Brennan	Glück	Lowe	Parker F B	Travis
Brown C F	Goodspeed	Lowman	Parker J S	Voss
Brown G W	Graubard	Lupton	Partridge	Waddell
Burhyte	Gray	MacGregor	Perkins	Walters
Callan	Green	Manley	Phillips C W	Ward
Caughlan	Gunderman	Marks	Phillips J S	Waters
Cheney	Hackett	Marlatt	Reed	Weaver
Clarke	Haines	Martin	Robinson	Weimert
Colné	Hammond	McCue	Rozan	Wende
Conklin	Hamn	McElligott	Sanner	White E H
De Groot	Hawley	McFarlane	Sargent	White L H
Draper	Hemenway	McGrath	Schmidt	Whitley
Duell	Herrick	McInerney	Schutta	Whitney
Eagleton	Hoey	McKeon	Scott	Williams
Edwards	Howard	McLaughlin	Smith A E	Wood
Evans	Jackson	Mead	Smith C	Yale
Farrar	Joseph	Merritt	Smith F L	Young E
Fay	Klein	Millen	Smith M	Young F L
Fellows	Lachman	Miller J L		

In the negative:

Cuvillier

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1392) entitled "An act to amend chapter fourteen of the Laws of eighteen hundred and sixty-one, entitled 'An act making the office of the county clerk of the county of Clinton a salaried office,' in relation to the compensation, powers and duties of such clerk and legalizing certain acts of the board of supervisors of said county affecting said compensation." (Rec. No. 286.)

On motion of Mr. Weaver, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 132

NOES 00

Those who voted in the affirmative were:

Barden	Foley	Lansing	Miller W G	Stein
Bates	Fowler	Lazarus	Murphy C F	Stern
Baumann	Francis	Lee	Murray	Sullivan
Baumes	Frisbie	Leffingwell	Neupert	Surpless
Bennett	Garbe	Levy A J	Nolan	Thompson
Bohan	Geoghegan	Levy J	Odell	Thorn
Boshart	Glore	Lewis	Oliver	Todd
Brown C F	Glück	Lowe	O'Neil	Toombs
Brown G W	Goodspeed	Lowman	Parker F B	Travis
Burhyte	Graubard	Lupton	Parker J S	Voss
Callan	Gray	MacGregor	Partridge	Waddell
Caughlan	Green	Manley	Perkins	Walters
Cheney	Gunderman	Marks	Phillips C W	Ward
Clarke	Hackett	Marlatt	Phillips J S	Waters
Colné	Haines	Martin	Reed	Weaver
Conklin	Hammond	McCue	Robinson	Weimert
Cuvillier	Hamn	McElligott	Rozan	Wende
De Groot	Hawley	McFarlane	Sanner	White E H
Draper	Hemenway	McGrath	Sargent	White L H
Duell	Herrick	McInerney	Schmidt	Whitley
Eagleton	Hoey	McKeon	Schutta	Whitney
Edwards	Howard	McLaughlin	Scott	Williams
Evans	Jackson	Mead	Smith A E	Wood
Farrar	Joseph	Merritt	Smith C	Yale
Fay	Klein	Millen	Smith F L	Young E
Fellows	Lachman	Miller J L	Smith M	Young F L
Filley	Lanahan			

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1339) entitled "An act to amend the Tenement House Law, in relation to fire-escapes, rooms and cellars." (Rec. No. 276.)

On motion of Mr. Oliver, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 132

NOES 00

Those who voted in the affirmative were:

Barden	Foley	Lansing	Miller W G	Stein
Bates	Fowler	Lazarus	Murphy C F	Stern
Baumann	Francis	Lee	Murray	Sullivan
Baumes	Frisbie	Leffingwell	Neupert	Surpless
Bennett	Garbe	Levy A J	Nolan	Thompson
Bohan	Geoghegan	Levy J	Odell	Thorn
Boshart	Glore	Lewis	Oliver	Todd
Brown C F	Glück	Lowe	O'Neil	Toombs
Brown G W	Goodspeed	Lowman	Parker F B	Travis
Burhyte	Graubard	Lupton	Parker J S	Voss
Callan	Gray	MacGregor	Partridge	Waddell
Caughlan	Green	Manley	Perkins	Walters
Cheney	Gunderman	Marks	Phillips C W	Ward
Clarke	Hackett	Marlatt	Phillips J S	Waters
Colné	Haines	Martin	Reed	Weaver
Conklin	Hammond	McCue	Robinson	Weimert
Cuvillier	Hamn	McElligott	Rozan	Wende
De Groot	Hawley	McFarlane	Sanner	White E H
Draper	Hemenway	McGrath	Sargent	White L H
Duell	Herrick	McInerney	Schmidt	Whitley
Eagleton	Hoey	McKeon	Schutta	Whitney
Edwards	Howard	McLaughlin	Scott	Williams
Evans	Jackson	Mead	Smith A E	Wood
Farrar	Joseph	Merritt	Smith C	Yale
Fay	Klein	Millen	Smith F L	Young E
Fellows	Lachman	Miller J L	Smith M	Young F L
Filley	Lanahan			

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill



(No. 1396) entitled "An act to make the office of sheriff of the county of Queens a salaried office, and regulating the management of said office." (Rec. No. 290.)

Said bill having been announced for a second reading,

On motion of Mr. Hoey, and by unanimous consent, said bill was ordered placed on the second and third reading calendar for Tuesday next.

Mr. Speaker announced the special order, being the Senate bill (No. 1390) entitled "An act to allow the city of New York to deed certain land and acquire title to certain other land in De-Bevoise avenue, in the borough of Queens." (Rec. No. 281.)

Said bill having been announced for a second reading,

On motion of Mr. Voss, and by unanimous consent, said bill was ordered placed on the second and third reading calendar for Tuesday next.

Mr. Speaker announced the special order, being the Senate bill (No. 1202) entitled "An act to authorize the county clerk of Onondaga county to compile and maintain records, statistics and historical information relative to the soldiers and sailors of the war of the rebellion who enlisted from said county." (Rec. No. 292.)

On motion of Mr. Hammond, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 132

NOES 00

Those who voted in the affirmative were:

Barden	Foley	Lansing	Miller W G	Stein
Bates	Fowler	Lazarus	Murphy C F	Stern
Baumann	Francis	Lee	Murray	Sullivan
Baumes	Frisbie	Leffingwell	Neupert	Surpluss
Bennett	Garbe	Levy A J	Nolan	Thompson
Bohan	Geoghegan	Levy J	Odell	Thorn
Boshart	Glore	Lewis	Oliver	Todd

Brown C F	Glück	Lowe	O'Neil	Toombs
Brown G W	Goodspeed	Lowman	Parker F B	Travis
Burhyte	Graubard	Lupton	Parker J S	Voss
Callan	Gray	MacGregor	Partridge	Waddell
Caughlan	Green	Manley	Perkins	Walters
Cheney	Gunderman	Marks	Phillips C W	Ward
Clarke	Hackett	Marlatt	Phillips J S	Waters
Colné	Haines	Martin	Reed	Weaver
Conklin	Hammond	McCue	Robinson	Weimert
Cuvillier	Hamn	McElligott	Rozan	Wende
De Groot	Hawley	McFarlane	Sanner	White E H
Draper	Hemenway	McGrath	Sargent	White L H
Duell	Herrick	McInerney	Schmidt	Whitley
Eagleton	Hoey	McKeon	Schutta	Whitney
Edwards	Howard	McLaughlin	Scott	Williams
Evans	Jackson	Mead	Smith A E	Wood
Farrar	Joseph	Merritt	Smith C	Yale
Fay	Klein	Millen	Smith F L	Young E
Fellows	Lachman	Miller J L	Smith M	Young F L
Filley	Lanahan			

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Pusuant to notice, Mr. MacGregor called up the Senate bill (No. 141) entitled "An act to authorize the city of Buffalo to issue its bonds for the purpose of raising money for the purchase, construction, establishment or enlargement of one or more refuse destruction plants" (Rec. No. 5), heretofore laid aside on the order of second and third reading.

On motion of Mr. MacGregor, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 132

NOES 00

Those who voted in the affirmative were:

Barden	Foley	Lansing	Miller W G	Stein
Bates	Fowler	Lazarus	Murphy C F	Stern
Baumann	Francis	Lee	Murray	Sullivan
Baumes	Frisbie	Leffingwell	Neupert	Surpless
Bennett	Garbe	Levy A J	Nolan	Thompson
Bohan	Geoghegan	Levy J	Odell	Thorn

Boshart	Glore	Lewis	Oliver	Todd
Brown C F	Glück	Lowe	O'Neil	Toombs
Brown G W	Goodspeed	Lowman	Parker F B	Travis
Burhyte	Graubard	Lupton	Parker J S	Voss
Callan	Gray	MacGregor	Partridge	Waddell
Caughlan	Green	Manley	Perkins	Walters
Cheney	Gunderman	Marks	Phillips C W	Ward
Clarke	Hackett	Marlatt	Phillips J S	Waters
Colné	Haines	Martin	Reed	Weaver
Conklin	Hammond	McCue	Robinson	Weimert
Cuvillier	Hamn	McElligott	Rozan	Wende
De Groot	Hawley	McFarlane	Sanner	White E H
Draper	Hemenway	McGrath	Sargent	White L H
Duell	Herrick	McInerney	Schmidt	Whitley
Eagleton	Hoey	McKeon	Schutta	Whitney
Edwards	Howard	McLaughlin	Scott	Williams
Evans	Jackson	Mead	Smith A E	Wood
Farrar	Joseph	Merritt	Smith C	Yale
Fay	Klein	Millen	Smith F L	Young E
Fellows	Lachman	Miller J L	Smith M	Young F L
Filley	Lanahan			

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

The bill (No. 2311) entitled "An act to authorize the commissioner of police of the city of New York to grant a pension to Adelina Petrosino, widow of Joseph Petrosino" (Int. No. 1501), having been announced for a third reading,

On motion of Mr. Oliver, said bill was laid aside and ordered stricken from the calendar.

By unanimous consent, Mr. Hamn moved to instruct the committee on rules to report Senate bill (No. 1454, Rec. No. 312), entitled "An act to amend the Insurance Law, relative to proceedings against and the liquidation of delinquent insurance corporations."

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Speaker, from the committee on rules, reported said bill as instructed.

On motion of Mr. Hamn, and by unanimous consent, said bill was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.



AYES 132

NOES 00

Those who voted in the affirmative were:

Barden	Foley	Lansing	Miller W G	Stein
Bates	Fowler	Lazarus	Murphy C F	Stern
Baumann	Francis	Lee	Murray	Sullivan
Baumes	Frisbie	Leffingwell	Neupert	Surpless
Bennett	Garbe	Levy A J	Nolan	Thompson
Bohan	Geoghegan	Levy J	Odell	Thorn
Boshart	Glore	Lewis	Oliver	Todd
Brown C F	Glück	Lowe	O'Neil	Toombs
Brown G W	Goodspeed	Lowman	Parker F B	Travis
Burhyte	Graubard	Lupton	Parker J S	Voss
Callan	Gray	MacGregor	Partridge	Waddell
Caughlan	Green	Manley	Perkins	Walters
Cheney	Gunderman	Marks	Phillips C W	Ward
Clarke	Hackett	Marlatt	Phillips J S	Waters
Colné	Haines	Martin	Reed	Weaver
Conklin	Hammond	McCue	Robinson	Weimert
Cuvillier	Hamn	McElligott	Rozan	Wende
De Groot	Hawley	McFarlane	Sanner	White E H
Draper	Hemenway	McGrath	Sargent	White L H
Duell	Herrick	McInerney	Schmidt	Whitley
Eagleton	Hoey	McKeon	Schutta	Whitney
Edwards	Howard	McLaughlin	Scott	Williams
Evans	Jackson	Mead	Smith A F	Wood
Farrar	Joseph	Merritt	Smith C	Yale
Fay	Klein	Millen	Smith F L	Young E
Fellows	Lachman	Miller J L	Smith M	Young F L
Filley	Lanahan			

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

The bill (No. 2333) entitled "An act to amend the Insurance Law, relative to proceedings against and liquidation of delinquent insurance corporations" (Int. No. 947), having been announced for a third reading,

On motion of Mr. Hamn, said bill was laid aside and ordered stricken from the calendar.

The Senate bill (No. 145, Assembly reprint No. 2326) entitled "An act to amend section eight hundred and twelve of the Code of Civil Procedure, in relation to general regulations, respecting bonds and undertakings" (Rec. No. 86), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the

affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 132

NOES 00

Those who voted in the affirmative were:

Barden	Foley	Lansing	Miller W G	Stein
Bates	Fowler	Lazarus	Murphy C F	Stern
Baumann	Francis	Lee	Murray	Sullivan
Baumes	Frisbie	Leffingwell	Neupert	Surpless
Bennett	Garbe	Levy A J	Nolan	Thompson
Bohan	Geoghegan	Levy J	Odell	Thorn
Boshart	Glore	Lewis	Oliver	Todd
Brown C F	Glück	Lowe	O'Neil	Toombs
Brown G W	Goodspeed	Lowman	Parker F B	Travis
Burhyte	Graubard	Lupton	Parker J S	Voss
Callan	Gray	MacGregor	Partridge	Waddell
Caughlan	Green	Manley	Perkins	Walters
Cheney	Gunderman	Marks	Phillips C W	Ward
Clarke	Hackett	Marlatt	Phillips J S	Waters
Colné	Haines	Martin	Reed	Weaver
Conklin	Hammond	McCue	Robinson	Weimert
Cuvillier	Hamn	McElligott	Rozan	Wende
De Groot	Hawley	McFarlane	Sanner	White E H
Draper	Hemenway	McGrath	Sargent	White L H
Duell	Herrick	McInerney	Schmidt	Whitley
Eagleton	Hoey	McKeon	Schutta	Whitney
Edwards	Howard	McLaughlin	Scott	Williams
Evans	Jackson	Mead	Smith A E	Wood
Farrar	Joseph	Merritt	Smith C	Yale
Fay	Klein	Millen	Smith F L	Young E
Fellows	Lachman	Miller J L	Smith M	Young F L
Fillely	Lanahan			

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same, with amendments.

The bill (No. 2332) entitled "An act to amend the Greater New York charter, in relation to hospitals for the treatment of contagious, pestilential or infectious diseases" (Int. No. 1250), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 130

NOES 00

Those who voted in the affirmative were:

Barden	Filley	Lachman	Miller J L	Smith M
Bates	Foley	Lanahan	Miller W G	Stein
Baumann	Fowler	Lansing	Murphy C F	Stern
Baumes	Francis	Lazarus	Murray	Sullivan
Bennett	Frisbie	Lee	Neupert	Thompson
Bohan	Garbe	Leffingwell	Nolan	Thorn
Boshart	Geoghegan	Levy A J	Odell	Todd
Brown C F	Glore	Levy J	Oliver	Toombs
Brown G W	Glück	Lewis	O'Neil	Travis
Burhyte	Goodspeed	Lowe	Parker F B	Voss
Callan	Graubard	Lowman	Parker J S	Waddell
Caughlan	Gray	MacGregor	Partridge	Walters
Cheney	Green	Manley	Perkins	Ward
Clarke	Gunderman	Marks	Phillips C W	Waters
Colné	Hackett	Marlatt	Phillips J S	Weaver
Conklin	Haines	Martin	Reed	Weimert
Cuvillier	Hammond	McCue	Robinson	Wende
De Groot	Hamm	McElligott	Rozan	White E H
Draper	Hawley	McFarlane	Sanner	White L H
Duell	Hemenway	McGrath	Sargent	Whitley
Eagleton	Herrick	McInerney	Schmidt	Whitney
Edwards	Hoey	McKeon	Schutta	Williams
Evans	Howard	McLaughlin	Scott	Wood
Farrar	Jackson	Mead	Smith A E	Yale
Fay	Joseph	Merritt	Smith C	Young E
Fellows	Klein	Millen	Smith F L	Young F L

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 2353) entitled "An act to amend the Judiciary Law, in relation to the appointment of a typewriter operator by the justices of the Supreme Court in the second judicial department" (Int. No. 894), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 132

NOES 00

Those who voted in the affirmative were:

Barden	Foley	Lansing	Miller W G	Stein
Bates	Fowler	Lazarus	Murphy C F	Stern
Baumann	Francis	Lee	Murray	Sullivan
Baumes	Frisbie	Leffingwell	Neupert	Surplus
Bennett	Garbe	Levy A J	Nolan	Thompson



Bohan	Geoghegan	Levy J	Odell	Thorn
Bcshart	Glore	Lewis	Oliver	Todd
Brown C F	Glück	Lowe	O'Neil	Toombs
Brown G W	Goodspeed	Lowman	Parker F B	Travis
Burhyte	Graubard	Lupton	Parker J S	Voss
Callan	Gray	MacGregor	Partridge	Waddell
Caughlan	Green	Manley	Perkins	Walters
Cheney	Gunderman	Marks	Phillips C W	Ward
Clarke	Hackett	Marlatt	Phillips J S	Waters
Colné	Haines	Martin	Reed	Weaver
Conklin	Hammond	McCue	Robinson	Weimert
Cuvillier	Hamn	McElligott	Rozan	Wende
De Groot	Hawley	McFarlane	Sanner	White E H
Draper	Hemenway	McGrath	Sargent	White L H
Duell	Herrick	McInerney	Schmidt	Whitley
Eagleton	Hoey	McKeon	Schutta	Whitney
Edwards	Howard	McLaughlin	Scott	Williams
Evans	Jackson	Mead	Smith A E	Wood
Farrar	Joseph	Merritt	Smith C	Yale
Fay	Klein	Millen	Smith F L	Young E
Fellows	Lachman	Miller J L	Smith M	Young F L
Filley	Lanahan			

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have reconsidered their vote on the final passage of said bill, and, as amended, have again passed the same and request the concurrence of the Senate therein.

The Senate returned the Assembly bill (No. 1991, Senate re-print No. 1407, Int. No. 1306), entitled "An act to amend the Greater New York charter, in relation to the issue of corporate stock for current operating expenses," with a message that they have concurred in the passage of the same, with the following amendment:

Strike out entire bill and substitute therefor Senate bill (printed No. 1407) together with the enacting clause.

Mr. Merritt moved to concur in the Senate amendment.

Mr. Speaker put the question whether the House would concur in said amendment, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 132

NOES 00

Those who voted in the affirmative were:

Barden	Foley	Lansing	Miller W G	Stein
Bates	Fowler	Lazarus	Murphy C F	Stern
Baumann	Francis	Lee	Murray	Sullivan
Baumes	Frisbie	Leffingwell	Neupert	Surpass

Bennett	Garbe	Levy A J	Nolan	Thompson
Bohan	Geoghegan	Levy J	Odell	Thorn
Boshart	Glore	Lewis	Oliver	Todd
Brown C F	Glück	Lowe	O'Neil	Toombs
Brown G W	Goodspeed	Lowman	Parker F B	Travis
Burhyte	Graubard	Lupton	Parker J S	Voss
Callan	Gray	MacGregor	Partridge	Waddell
Caughlan	Green	Manley	Perkins	Walters
Cheney	Gunderman	Marks	Phillips C W	Ward
Clarke	Hackett	Marlatt	Phillips J S	Waters
Colné	Haines	Martin	Reed	Weaver
Conklin	Hammond	McCue	Robinson	Weimert
Cuvillier	Hamn	McElligott	Rozan	Wende
De Groot	Hawley	McFarlane	Sanner	White E H
Draper	Hemenway	McGrath	Sargent	White L H
Duell	Herrick	McInerney	Schmidt	Whitley
Eagleton	Hoey	McKeon	Schutta	Whitney
Edwards	Howard	McLaughlin	Scott	Williams
Evans	Jackson	Mead	Smith A E	Wood
Farrar	Joseph	Merritt	Smith C	Yale
Fay	Klein	Millen	Smith F L	Young E
Fellows	Lachman	Miller J L	Smith M	Young F L
Filley	Lanahan			

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendment of the Senate thereto.

The Senate returned the Assembly bill (No. 1296, Senate re-print No. 1372, Int. No. 698), entitled "An act to amend chapter seven hundred and forty-seven of the Laws of eighteen hundred and ninety-six, entitled 'An act to revise and consolidate the several acts in relation to the city of Kingston, to revise the charter of said city, and to establish a city court therein and define its jurisdiction and powers,' relative to the police force and police pension fund," with a message that they have concurred in the passage of the same, with the following amendments:

Page 2, line 4, after the word "board" insert "[ ".

Page 2, line 8, after the word "which" insert "] ".

Page 2, line 9, before the word "shall" insert "and ".

Page 2, line 23, after the word "such" insert "board of ".

Page 2, line 24, after the word "said" insert "board of ".

Page 3, line 2, after the word "said" insert "board of ".

Page 3, line 8, after the word "said" insert "board of ".

Page 3, line 21, after the word "said" insert "board of ".

Page 4, line 26, after the word "the" insert "board of ".

Page 5, line 10, after the word "the" insert "board of ".

Mr. Fowler moved to concur in the Senate amendments.

Mr. Speaker put the question whether the House would concur in said amendments, said bill having been printed and upon the

desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 132

NOES 00

Those who voted in the affirmative were:

Barden	Foley	Lansing	Miller W G	Stein
Bates	Fowler	Lazarus	Murphy C F	Stern
Baumann	Francis	Lee	Murray	Sullivan
Baumes	Frisbie	Leffingwell	Neupert	Surpless
Bennett	Garbe	Levy A J	Nolan	Thompson
Bohan	Geoghegan	Levy J	Odell	Thorn
Boshart	Glore	Lewis	Oliver	Todd
Brown C F	Glück	Lowe	O'Neil	Toombs
Brown G W	Goodspeed	Lowman	Parker F B	Travis
Burhyte	Graubard	Lupton	Parker J S	Voss
Callan	Gray	MacGregor	Partridge	Waddell
Caughlan	Green	Manley	Perkins	Walters
Cheney	Gunderman	Marks	Phillips C W	Ward
Clarke	Hackett	Marlatt	Phillips J S	Waters
Colné	Haines	Martin	Reed	Weaver
Conklin	Hammond	McCue	Robinson	Weimert
Cuvillier	Hamn	McElligott	Rozan	Wende
De Groot	Hawley	McFarlane	Sanner	White E H
Draper	Hemenway	McGrath	Sargent	White L H
Duell	Herrick	McInerney	Schmidt	Whitley
Eagleton	Hoey	McKeon	Schutta	Whitney
Edwards	Howard	McLaughlin	Scott	Williams
Evans	Jackson	Mead	Smith A E	Wood
Farrar	Joseph	Merritt	Smith C	Yale
Fay	Klein	Millen	Smith F L	Young E
Fellows	Lachman	Miller J L	Smith M	Young F L
Filley	Lanahan			

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendments of the Senate thereto.

The Senate returned the Assembly bill (No. 1547, Senate reprint No. 1402, Int. No. 1309), entitled "An act to amend the Greater New York charter, in relation to the public improvement fund, and the issue of corporate stock instead of assessment bonds," with a message that they have concurred in the passage of the same, with the following amendments:

Strike out the title and insert "To amend the Greater New York charter, in relation to the public improvement fund, and the issue of corporate stock instead of assessment bonds."

After the enacting clause strike out all matter and insert Senate bill No. 1402.



Mr. Merritt moved to concur in the Senate amendments.

Mr. Speaker put the question whether the House would concur in said amendments, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 132

NOES 00

Those who voted in the affirmative were:

Barden	Foley	Lansing	Miller W G	Stein
Bates	Fowler	Lazarus	Murphy C F	Stern
Baumann	Francis	Lee	Murray	Sullivan
Baumes	Frisbie	Leffingwell	Neupert	Surpless
Bennett	Garbe	Levy A J	Nolan	Thompson
Bohan	Geoghegan	Levy J	Odell	Thorn
Boshart	Glore	Lewis	Oliver	Todd
Brown C F	Glück	Lowe	O'Neil	Toombs
Brown G W	Goodspeed	Lowman	Parker F B	Travis
Burhyte	Graubard	Lupton	Parker J S	Voss
Callan	Gray	MacGregor	Partridge	Waddell
Caughlan	Green	Manley	Perkins	Walters
Cheney	Gunderman	Marks	Phillips C W	Ward
Clarke	Hackett	Marlatt	Phillips J S	Waters
Colné	Haines	Martin	Reed	Weaver
Conklin	Hammond	McCue	Robinson	Weimert
Cuvillier	Hamn	McElligott	Rozan	Wende
De Groot	Hawley	McFarlane	Sanner	White E H
Draper	Hemenway	McGrath	Sargent	White L H
Duell	Herrick	McInerney	Schmidt	Whitley
Eagleton	Hoey	McKeon	Schutta	Whitney
Edwards	Howard	McLaughlin	Scott	Williams
Evans	Jackson	Mead	Smith A E	Wood
Farrar	Joseph	Merritt	Smith C	Yale
Fay	Klein	Millen	Smith F L	Young E
Fellows	Lachman	Miller J L	Smith M	Young F L
Filley	Lanahan			

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendments of the Senate thereto.

The Senate returned the Assembly bill (No. 1745, Senate reprint No. 1404, Int. No. 1307), entitled "An act to amend the Greater New York charter, in relation to deficiencies in collections of taxes," with a message that they have concurred in the passage of the same, with the following amendment:

Strike out entire bill and substitute therefor Senate bill printed No. 1404, together with the enacting clause.

Mr. Merritt moved to concur in the Senate amendment.

Mr. Speaker put the question whether the House would concur in said amendment, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 132

NOES 00

Those who voted in the affirmative were:

Barden	Foley	Lansing	Miller W G	Stein
Bates	Fowler	Lazarus	Murphy C F	Stern
Baumann	Francis	Lee	Murray	Sullivan
Baumes	Frisbie	Leffingwell	Neupert	Surpless
Bennett	Garbe	Levy A J	Nolan	Thompson
Bohan	Geoghegan	Levy J	Odell	Thorn
Boshart	Glore	Lewis	Oliver	Todd
Brown C F	Glück	Lowe	O'Neil	Toombs
Brown G W	Goodspeed	Lowman	Parker F B	Travis
Burhyte	Graubard	Lupton	Parker J S	Voss
Callen	Gray	MacGregor	Partridge	Waddell
Caughlan	Green	Manley	Perkins	Walters
Cheney	Gunderman	Marks	Phillips C W	Ward
Clarke	Hackett	Marlatt	Phillips J S	Waters
Colné	Haines	Martin	Reed	Weaver
Conklin	Hammond	McCue	Robinson	Weimert
Cuvillier	Hamn	McElligott	Rozan	Wende
De Groot	Hawley	McFarlane	Sanner	White E H
Draper	Hemenway	McGrath	Sargent	White L H
Duell	Herrick	McInerney	Schmidt	Whitley
Eagleton	Hoey	McKeon	Schutta	Whitney
Edwards	Howard	McLaughlin	Scott	Williams
Evans	Jackson	Mead	Smith A E	Wood
Farrar	Joseph	Merritt	Smith C	Yale
Fay	Klein	Millen	Smith F L	Young E
Fellows	Lachman	Miller J L	Smith M	Young F L
Filley	Lanahan			

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendment of the Senate thereto.

The Senate returned the Assembly bill (No. 1391, Senate reprint No. 1361, Int. No. 995), entitled "An act to amend the Religious Corporations Law, relative to the incorporation and government of Holy Orthodox Greek Catholic Apostolic churches," with a message that they have concurred in the passage of the same, with the following amendments:

Page 2, after line 24, insert "93. Greek churches in union with Roman Catholic churches."

Page 5, beginning with line 3, insert:

“Section 5. Said chapter is hereby amended by adding after section ninety-two of said article five a new section to be known as ninety-three, and to read as follows:

“Section 93. Greek churches in union with Roman Catholic churches.—This article (five) is deemed to provide for the incorporation of the Ruthenian Greek churches and the United Greek Catholic churches, both of which are in union with the Roman Catholic church and no other article of this chapter shall apply to the incorporation of such Greek churches.”

Sections 5, 6, 7 and 8 are hereby renumbered sections 6, 7, 8 and 9 respectively.

(Senate Printed No. 1361.)

Page 5, line 7, after the word “incorporation” insert “and government”.

Page 5, line 11, before the word “of” insert “and government”.

Mr. Ward moved to concur in the Senate amendments.

Mr. Speaker put the question whether the House would concur in said amendments, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 132

NOES 00

Those who voted in the affirmative were:

Barden	Foley	Lansing	Miller W G	Stein
Bates	Fowler	Lazarus	Murphy C F	Stern
Baumann	Francis	Lee	Murray	Sullivan
Baumes	Frisbie	Leffingwell	Neupert	Surpress
Bennett	Garbe	Levy A J	Nolan	Thompson
Bohan	Geoghegan	Levy J	Odell	Thorn
Boshart	Glore	Lewis	Oliver	Todd
Brown C F	Glück	Lowe	O'Neil	Toombs
Brown G W	Goodspeed	Lowman	Parker F B	Travis
Burhyte	Graubard	Lupton	Parker J S	Voss
Callan	Gray	MacGregor	Partridge	Waddell
Caughlan	Green	Manley	Perkins	Walters
Cheney	Gunderman	Marks	Phillips C W	Ward
Clarke	Hackett	Marlatt	Phillips J S	Waters
Colné	Haines	Martin	Reed	Weaver



Conklin	Hammond	McCue	Robinson	Weimert
Cuvillier	Hamn	McElligott	Rozan	Wende
De Groot	Hawley	McFarlane	Sanner	White E H
Draper	Hemenway	McGrath	Sargent	White L H
Duell	Herrick	McInerney	Schmidt	Whitley
Eagleton	Hoey	McKeon	Schutta	Whitney
Edwards	Howard	McLaughlin	Scott	Williams
Evans	Jackson	Mead	Smith A E	Wood
Farrar	Joseph	Merritt	Smith C	Yale
Fay	Klein	Millen	Smith F L	Young E
Fellows	Lachman	Miller J L	Smith M	Young F L
Filley	Lanahan			

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendments of the Senate thereto.

The Senate returned the Assembly bill (No. 657, Senate reprint No. 1227, Int. No. 616), entitled "An act to amend chapter three hundred and thirty-eight of the Laws of eighteen hundred and ninety-seven, entitled 'An act to regulate and protect the planting of oysters in the public waters of the town of Hempstead in the county of Queens,' in relation to terms and certificates of license to plant oysters and clams in the public waters of the said town of Hempstead, now in the county of Nassau," with a message that they have concurred in the passage of the same, with the following amendments:

Sixth line of the title, after the word "the" and before the word "town" insert "said". Before the word "in", in the seventh line of the title, insert the word "now".

Page 3, line 9, after the "." insert "Such certificate or license, or a renewal thereof, if any, or any rights conferred by either, shall not be assignable, and any contract or instrument, so far as it purports to sell or assign the same, shall be void and of no effect".

Mr. W. G. Miller moved to concur in the Senate amendments.

Mr. Speaker put the question whether the House would concur in said amendments, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 132

NOES 00

Those who voted in the affirmative were:

Barden	Foley	Lansing	Miller W G	Stein
Bates	Fowler	Lazarus	Murphy C F	Stern
Baumann	Francis	Lee	Murray	Sullivan
Baumes	Frisbie	Leffingwell	Neupert	Surpless
Bennett	Garbe	Levy A J	Nolan	Thompson
Bohan	Geoghegan	Levy J	Odell	Thorn
Boshart	Glore	Lewis	Oliver	Todd
Brown C F	Glück	Lowe	O'Neil	Toombs
Brown G W	Goodspeed	Lowman	Parker F B	Travis
Burhyte	Graubard	Lupton	Parker J S	Voss
Callan	Gray	MacGregor	Partridge	Waddell
Caughlan	Green	Manley	Perkins	Walters
Cheney	Gunderman	Marks	Phillips C W	Ward
Clarke	Hackett	Marlatt	Phillips J S	Waters
Colné	Haines	Martin	Reed	Weaver
Conklin	Hammond	McCue	Robinson	Weimert
Cuvillier	Hamn	McElligott	Rozan	Wende
De Groot	Hawley	McFarlane	Sanner	White E H
Draper	Hemenway	McGrath	Sargent	White L H
Duell	Herrick	McInerney	Schmidt	Whitley
Eagleton	Hoey	McKeon	Schutta	Whitney
Edwards	Howard	McLaughlin	Scott	Williams
Evans	Jackson	Mead	Smith A E	Wood
Farrar	Joseph	Merritt	Smith C	Yale
Fay	Klein	Millen	Smith F L	Young E
Fellows	Lachman	Miller J L	Smith M	Young F L
Filley	Lanahan			

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendments of the Senate thereto.

The Senate returned the Assembly bill (No. 1258, Senate reprint No. 1370, Int. No. 1105), entitled "An act to authorize the commissioners of the Home of the City and Town of Newburg to raise moneys for building purposes," with a message that they have concurred in the passage of the same, with the following amendments:

Page 1, line 2, after the word "authorized" insert "with the consent of the common council of said city and the town board of said town".

Page 2, line 10, strike out all of line 10 and balance of page and insert:

"§ 2. Such bonds shall be drawn at a rate of interest not to exceed five per centum per annum, payable semiannually and shall be given in the corporate name of the said commissioners of the Home of the City and Town of Newburgh and under their corporate seal, and shall be signed by their president and superin-

tendent, and shall be disposed of by said commissioners for not less than their par value, and the proceeds thereof shall be used by the said commissioners for the purposes hereinbefore mentioned.

“§ 3. As such bonds fall due as hereinbefore provided for in this act, the amount thereof and the accrued interest thereon shall be raised by tax upon the city and town of Newburgh, in the same way and proportion in which other moneys for the support of the poor of said city and town are now required by law to be raised.

“§ 4. This act shall take effect immediately.”

Mr. Baumes moved to concur in the Senate amendments.

Mr. Speaker put the question whether the House would concur in said amendments, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 134

NOES 00

Those who voted in the affirmative were:

Barden	Fellows	Lachman	Miller J L	Stein
Bates	Filley	Lanahan	Miller W G	Stern
Baumann	Foley	Lansing	Murphy C F	Sullivan
Baumes	Fowler	Lazarus	Murray	Surpless
Bennett	Francis	Lee	Neupert	Thompson
Bohan	Frisbie	Leffingwell	Nolan	Thorn
Boshart	Garbe	Levy A J	Odell	Todd
Brown C F	Geoghegan	Levy J	Oliver	Toombs
Brown G W	Glore	Lewis	O'Neil	Travis
Burhyte	Glück	Lowe	Parker F B	Voss
Callan	Goodspeed	Lowman	Parker J S	Waddel
Caughlan	Graubard	Lupton	Partridge	Walters
Cheney	Gray	MacGregor	Perkins	Ward
Clarke	Green	Manley	Phillips C W	Waters
Colné	Gunderman	Marks	Phillips J S	Weaver
Conklin	Hackett	Marlatt	Reed	Weimert
Costello	Haines	Martin	Robinson	Wende
Cuvillier	Hammond	McCue	Rozan	White E H
De Groot	Hamn	McElligott	Sanner	White L H
Donnelly	Hawley	McFarlane	Sargent	Whitley
Draper	Hemenway	McGrath	Schmidt	Whitney
Duell	Herrick	McInerney	Schutta	Williams
Eagleton	Hoey	McKeon	Scott	Wood
Edwards	Howard	McLaughlin	Smith A E	Yale
Evans	Jackson	Mead	Smith C	Young E
Farrar	Joseph	Merritt	Smith F L	Young F L
Fay	Klein	Millen	Smith M	

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendments of the Senate thereto.



The Senate returned the Assembly bill (No. 1732, Senate reprint No. 1378, Int. No. 343), entitled "An act to provide for the construction and maintenance of sewage disposal works in and for the town of Pelham," with a message that they have concurred in the passage of the same, with the following amendment:

Strike out all after the enacting clause and insert Senate bill printed No. 1378.

Mr. Duell moved to concur in the Senate amendment.

Mr. Speaker put the question whether the House would concur in said amendment, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 132

NOES 00

Those who voted in the affirmative were:

Barden	Foley	Lansing	Miller W G	Stein
Bates	Fowler	Lazarus	Murphy C F	Stern
Baumann	Francis	Lee	Murray	Sullivan
Baumes	Frisbie	Leffingwell	Neupert	Surpless
Bennett	Garbe	Levy A J	Nolan	Thompson
Bohan	Geoghegan	Levy J	Odell	Thorn
Boshart	Glore	Lewis	Oliver	Todd
Brown C F	Glück	Lowe	O'Neil	Toombs
Brown G W	Goodspeed	Lowman	Parker F B	Travis
Burhyte	Graubard	Lupton	Parker J S	Voss
Callan	Gray	MacGregor	Partridge	Waddell
Caughlan	Green	Manley	Perkins	Walters
Cheney	Gunderman	Marks	Phillips C W	Ward
Clarke	Hackett	Marlatt	Phillips J S	Waters
Colné	Haines	Martin	Reed	Weaver
Conklin	Hammond	McCue	Robinson	Weimert
Cuvillier	Hamn	McElligott	Rozan	Wende
De Groot	Hawley	McFarlane	Sanner	White E H
Draper	Hemenway	McGrath	Sargent	White L H
Duell	Herrick	McInerney	Schmidt	Whitley
Eagleton	Hoey	McKeon	Schutta	Whitney
Edwards	Howard	McLaughlin	Scott	Williams
Evans	Jackson	Mead	Smith A E	Wood
Farrar	Joseph	Merritt	Smith C	Yale
Fay	Klein	Millen	Smith F L	Young E
Fellows	Lachman	Miller J L	Smith M	Young F L
Filley	Lanahan			

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendments of the Senate thereto.

The Senate returned the Assembly bill (No. 1495, Senate re-print No. 1410, Int. No. 276), entitled "An act to amend the Judiciary Law, in relation to the payment of expenses of justices of Supreme Court designated to Appellate Division, in second department," with a message that they have concurred in the passage of the same, with the following amendment:

Page 2, line 4, after the word "annually" insert "unless provided for under chapter five hundred ninety-seven of the Laws of nineteen hundred and one,".

Mr. Baumes moved to concur in the Senate amendment.

Mr. Speaker put the question whether the House would concur in said amendment, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 132

NOES 00

Those who voted in the affirmative were:

Barden	Foley	Lansing	Miller W G	Stein
Bates	Fowler	Lazarus	Murphy C F	Stern
Baumann	Francis	Lee	Murray	Sullivan
Baumes	Frisbie	Leffingwell	Neupert	Surpless
Bennett	Garbe	Levy A J	Nolan	Thompson
Bohan	Geoghegan	Levy J	Odell	Thorn
Boshart	Glore	Lewis	Oliver	Todd
Brown C F	Glück	Lowe	O'Neil	Toombs
Brown G W	Goodspeed	Lowman	Parker F B	Travis
Burhyte	Graubard	Lupton	Parker J S	Voss
Callan	Gray	MacGregor	Partridge	Waddell
Caughlan	Green	Manley	Perkins	Walters
Cheney	Gunderman	Marks	Phillips C W	Ward
Clarke	Hackett	Marlatt	Phillips J S	Waters
Colné	Haines	Martin	Reed	Weaver
Conklin	Hammond	McCue	Robinson	Weimert
Cuvillier	Hamn	McElligott	Rozan	Wende
De Groot	Hawley	McFarlane	Sanner	White E H
Draper	Hemenway	McGrath	Sargent	White L H
Duell	Herrick	McInerney	Schmidt	Whitley
Eagleton	Hoey	McKeon	Schutta	Whitney
Edwards	Howard	McLaughlin	Scott	Williams
Evans	Jackson	Mead	Smith A E	Wood
Farrar	Joseph	Merritt	Smith C	Yale
Fay	Klein	Millen	Smith F L	Young E
Fellows	Lachman	Miller J L	Smith M	Young F L
Filley	Lanahan			

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendments of the Senate thereto.

The Senate returned the Assembly bill (No. 1548, Senate re-print No. 1403, Int. No. 1310), entitled "An act to amend the Greater New York charter, in relation to a uniform system of accounting," with a message that they have concurred in the passage of the same, with the following amendment:

Strike out entire bill and substitute therefor Senate bill printed No. 1403, together with the enacting clause.

Mr. Merritt moved to concur in the Senate amendment.

Mr. Speaker put the question whether the House would concur in said amendment, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 132

NOES 00

Those who voted in the affirmative were:

Barden	Foley	Lansing	Miller W G	Stein
Bates	Fowler	Lazarus	Murphy C F	Stern
Baumann	Francis	Lee	Murray	Sullivan
Baumes	Frisbie	Leffingwell	Neupert	Surpless
Bennett	Garbe	Levy A J	Nolan	Thompson
Bohan	Geoghegan	Levy J	Odell	Thorn
Boshart	Glore	Lewis	Oliver	Todd
Brown C F	Glück	Lowe	O'Neil	Toombs
Brown G W	Goodspeed	Lowman	Parker F B	Travis
Burhyte	Graubard	Lupton	Parker J S	Voss
Callan	Gray	MacGregor	Partridge	Waddell
Caughlan	Green	Manley	Perkins	Walters
Cheney	Gunderman	Marks	Phillips C W	Ward
Clarke	Hackett	Marlett	Phillips J S	Waters
Colné	Haines	Martin	Reed	Weaver
Conklin	Hammond	McCue	Robinson	Weimert
Cuvillier	Hamn	McElligott	Rozan	Wende
De Groot	Hawley	McFarlane	Sanner	White E H
Draper	Hemenway	McGrath	Sargent	White L H
Duell	Herrick	McInerney	Schmidt	Whitley
Eagleton	Hoey	McKeon	Schutta	Whitney
Edwards	Howard	McLaughlin	Scott	Williams
Evans	Jackson	Mead	Smith A E	Wood
Farrar	Joseph	Merritt	Smith C	Yale
Fay	Klein	Millen	Smith F L	Young E
Fellows	Lachman	Miller J L	Smith M	Young F L
Filley	LANAHAN			

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendments of the Senate thereto.



A communication from the Governor was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER,

ALBANY, April 26, 1909.

*To the Assembly:*

Pursuant to concurrent resolution of the Senate and Assembly, herewith is returned for amendment Assembly bill (No. 1110, Int. No. 993), entitled "An act to provide for the assessment and collection of deficiencies in amounts heretofore raised by assessment to defray the expense of certain local improvements in the city of Syracuse."

CHARLES E. HUGHES.

Said bill having been announced, Mr. Hammond moved to reconsider the vote by which said bill was passed.

Mr. Speaker put the question whether the House would agree to the reconsideration of the vote on the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 132

NOES 00

Those who voted in the affirmative were:

Barden	Foley	Lansing	Miller W G	Stein
Bates	Fowler	Lazarus	Murphy C F	Stern
Baumann	Francis	Lee	Murray	Sullivan
Baumes	Frisbie	Leffingwell	Neupert	Surpless
Bennett	Garbe	Levy A J	Nolan	Thompson
Bohan	Geoghegan	Levy J	Odell	Thorn
Boshart	Glore	Lewis	Oliver	Todd
Brown C F	Glück	Lowe	O'Neil	Toombs
Brown G W	Goodspeed	Lowman	Parker F B	Travis
Burhyte	Graubard	Lupton	Parker J S	Voss
Callan	Gray	MacGregor	Partridge	Waddell
Caughlan	Green	Manley	Perkins	Walters
Cheney	Gunderman	Marks	Phillips C W	Ward
Clarke	Hackett	Marlatt	Phillips J S	Waters
Colné	Haines	Martin	Reed	Weaver
Conklin	Hammond	McCue	Robinson	Weimert
Cuvillier	Hamn	McElligott	Rozan	Wende
De Groot	Hawley	McFarlane	Sanner	White E H
Draper	Hemenway	McGrath	Sargent	White L H
Duell	Herrick	McInerney	Schmidt	Whitley
Eagleton	Hoey	McKeon	Schutta	Whitney
Edwards	Howard	McLaughlin	Scott	Williams
Evans	Jackson	Mead	Smith A E	Wood
Farrar	Joseph	Merritt	Smith C	Yale
Fav	Klein	Millen	Smith F L	Young E
Fellows	Lachman	Miller J L	Smith M	Young F L
Filley	Lanahan			

Mr. Hammond moved that said bill be recommitted to the committee on affairs of cities, with instructions to report the same forthwith, amended as follows:

On page 1, lines 6 and 7, strike out "the respective sums hereafter stated" and insert in place thereof "such amounts".

On page 1, line 7, after "as" insert "may be".

On page 1, line 9, strike out "respectively".

On page 2, line 1, strike out all of line, and on line 2 strike out "six cents for cost of".

On page 2, line 2, after "paving" insert "of".

On page 2, line 4, strike out "said sum representing", and strike out all of lines 5 and 6 "and defraying the expense thereof" on line 7.

On page 2, line 7, strike out "sum of one thousand three", also all of line 8.

On page 2, line 9, after "paving" insert "of".

On page 2, line 11, after "twenty" strike out comma.

On page 2, lines 12 and 13, strike out entire lines.

On page 2, line 14, strike out the words to and including "thereof", also after "the" the words "sum of".

On page 2, strike out line 15.

On page 2, line 16, strike out "of" before "constructing", and insert "of" after "constructing".

On page 2, line 18, strike out "said sum representing the".

On page 2, strike out all of lines 19 and 20.

On page 2, line 21, strike out "the expense thereof", and after the second "the" strike out balance of line.

On page 2, line 22, strike out line before "constructing", and after "constructing" insert "of".

On page 2, line 26, after "eight" strike out "said sum".

On page 3, strike out lines 1 and 2.

On page 3, line 3, strike out "pose of defraying the expense thereof".

On page 3, line 3, strike out "sum of five thousand".

On page 3, strike out all of line 4.

On page 3, line 5, after "paving" insert "of".

On page 3, line 7, strike out balance of line after "nineteen".

On page 3, strike out lines 8 and 9.

On page 3, line 10, strike out "thereof", and after "the" the balance of line.

On page 3, line 11, strike out the words before "constructing", and after "constructing" insert "of".

On page 3, line 15, after "ten" strike out balance of line.

On page 3, strike out lines 16 and 17, except semicolon at end of line 17.

On page 3, strike out all of line after "the".

On page 3, line 19, strike out words before "constructing", and after "constructing" insert "of".

On page 4, line 6, strike out "said sum represent-".

On page 4, strike out lines 7 and 8.

On page 4, line 9, strike out "defraying the expense thereof".

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Hammond, from the committee on affairs of cities, reported said bill amended as directed, and the same was ordered reprinted and placed on the order of third reading.

Mr. Hammond offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That a respectful message be sent to the Governor, requesting the return to the Assembly of Assembly bill (No. 1110, Int. No. 993), entitled "An act to provide for the assessment and collection of deficiencies in amounts heretofore raised by assessment to defray the expense of certain local improvements in the city of Syracuse," for the purpose of amendment.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. Robinson offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That a respectful message be sent to the Governor, requesting the return to the Assembly of Assembly bill (No. 2310, Int. No. 1725), entitled "An act to amend chapter four of the Laws of eighteen hundred and ninety-one, entitled 'An act to provide for rapid transit railways in cities of over one million inhabitants,' generally," for the purpose of transmission to the city.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.



Mr. Weaver offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That a respectful message be sent to the Governor, requesting the return to the Assembly of Assembly bill (No. 1674, Int. No. 1369), entitled "An act to incorporate the Bible House at Mooers, Clinton county," for the purposes of amendment.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein. •

The Senate sent for concurrence a resolution, in the words following:

IN SENATE, *April 26, 1909.*

Resolved (if the Assembly concur), That Senate bill (No. 587, Rec. No. 77), entitled "An act continuing the Benevolent Religious Society of the Town of Norwich, New York, as a cemetery corporation and changing its name," be returned to the Governor.

By order of the Senate,

LAFAYETTE B. GLEASON,  
*Clerk.*

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk return said resolution to the Senate, with a message that the Assembly have concurred in the passage of the same.

The Senate sent for concurrence a resolution, in the words following:

IN SENATE, *April 26, 1909.*

Resolved (if the Assembly concur), That at 12 o'clock noon on Wednesday, April 28, 1909, the Senate and Assembly meet in joint convention, as provided by law, for the purpose of comparing nominations for the office of Regent of the University, to fill the vacancy caused by the death of Charles A. Gardiner of the city of New York and county of New York.

By order of the Senate,

LAFAYETTE B. GLEASON,  
*Clerk.*

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk return said resolution to the Senate, with a message that the Assembly have concurred in the passage of the same.

The Senate returned the concurrent resolution in relation to the adjournment of the Legislature, with a message that they have concurred in the passage of the same amended to read as follows:

Resolved (if the Senate concur), That the Legislature adjourn without date Friday, April 30, 1909, at one o'clock p. m.

Mr. Merritt moved to concur in the Senate amendment.

Mr. Speaker put the question whether the House would agree to said motion of Mr. Merritt, and it was determined in the affirmative.

Ordered, That the Clerk return said resolution to the Senate, with a message that the Assembly have concurred in the amendment of the Senate thereto.

The Senate returned the concurrent resolution recalling from the Governor, for the purposes of transmission to the city, Assembly bill (No. 2310, Int. No. 1725), entitled "An act to amend chapter four of the Laws of eighteen hundred and ninety-one, entitled 'An act to provide for rapid transit railways in cities of over one million inhabitants,' generally," with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said resolution to the Governor.

The Senate returned the concurrent resolution recalling from the Governor, for the purposes of amendment, Assembly bill (No. 1110, Int. No. 993), entitled "An act to provide for the assessment and collection of deficiencies in amounts heretofore raised by assessment to defray the expense of certain local improvements in the city of Syracuse," with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said resolution to the Governor.

The Senate returned the concurrent resolution recalling from the Governor, for the purposes of amendment, Assembly bill (No. 1674, Int. No. 1369) entitled "An act to incorporate the Bible House at Mooers, Clinton county," with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said resolution to the Governor.

A communication was received from Hon. Richard M. Prangen, mayor of the city of Hornell, returning Assembly bill (No. 2269, Int. No. 684), entitled "An act to amend chapter two hundred and eighty-eight of the Laws of nineteen hundred and six, entitled 'An act to revise the charter of the city of Hornellsville and to change the name thereof,' generally," with a message that said mayor, and the common council of said city, after a public hearing thereon, do approve said bill and accept the same.

Ordered, That the Clerk deliver said bill to the Governor.

On motion of Mr. Merritt, the House adjourned.

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## TUESDAY, APRIL 27, 1909.

The House met pursuant to adjournment.

Prayer by Rev. Charles S. Hager.

On motion of Mr. Merritt, the reading of the journal of yesterday was dispensed with and the same was approved.

Mr. Speaker presented the Fourteenth Annual Report of the American Scenic and Historic Preservation Society, which was laid upon the table and ordered printed.

(See Document No. 73.)

Mr. Edwards gives notice that he requests that Assembly bill (No. 2358, Int. No. 1699), entitled "An act to amend the County Law, in relation to the office of county comptroller," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on third reading.

Mr. Colne gives notice that he requests that Assembly bill (No. 2365, Int. No. 1751), entitled "An act to amend chapter one hundred and forty-seven of the Laws of nineteen hundred and three, entitled 'An act making provision for issuing bonds to the amount of not to exceed one hundred and one million dollars for the improvement of the Erie canal, the Oswego canal and the Champlain canal, and providing for a submission of the same



to the people to be voted upon at the general election to be held in the year nineteen hundred and three,' by adding thereto a new section to be known as section seventeen thereof, to provide for the sale of materials encountered in excavation and not necessary for the improvement work," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Duell gives notice that he requests that Assembly bill (No. 2349, Int. No. 1745), entitled "An act relating to the repairing of streets and highways in the city of Mount Vernon, which have once been paved at the expense of abutting property, in whole or in part, and authorizing such city to raise money therefor by the issue of bonds," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. C. F. Murphy gives notice that he requests that Assembly bill (No. 2195, Int. No. 1658), entitled "An act to amend the Code of Civil Procedure, in relation to proofs upon which to found service of summons by publication," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Marks gives notice that he requests that Assembly bill (No. 2342, Int. No. 1738), entitled "An act authorizing the Temple Israel of Harlem, a religious corporation, to increase the number of its trustees from nine to any number not exceeding fifteen," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Millen gives notice that he requests that Assembly bill (No. 2351, Int. No. 1747), entitled "An act to amend the Public Health Law, in relation to the application of certain provisions to the village of Saranac Lake and the town and village of Liberty, in the county of Sullivan," a copy of which is hereto annexed, be made a special order, and asks that his request be

referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Millen gives notice that he requests that Assembly bill (No. 441, Int. No. 425), entitled "An act to amend the Forest, Fish and Game Law, in relation to the season for hares and rabbits in Sullivan county," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. C. F. Murphy gives notice that he requests that Assembly bill (No. 2314, Int. No. 1678), entitled "An act to amend the Membership Corporations Law, in relation to formation of proprietor's corporations," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Williams gives notice that he requests that Assembly bill (No. 2352, Int. No. 1748), entitled "An act to amend the Forest, Fish and Game Law, in relation to spearing in the Delaware river in the town of Middletown, Delaware county," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Cuvillier gives notice that he requests that Assembly bill (No. 458, Int. No. 443), entitled "An act to confer jurisdiction upon the Court of Claims to hear and determine any and all claims against the State of New York for damages for personal injuries alleged to have been sustained by Francis J. Hyland by being struck and run over by a tender of a fire engine of the fire department of the city of New York, while walking on Third avenue in the city of New York, borough of Manhattan," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Merritt gives notice that he requests that the Senate bill introduced by Mr. Allds (No. 519, Rec. No. 57), entitled "An act to amend the Tax Law, in relation to taxable transfers," a copy

of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Merritt gives notice that he requests that Senate bill introduced by Mr. Allds (No. 1411, Rec. No. 304), entitled "An act to amend the Tax Law in relation to the compensation and the powers and duties of the State Board of Tax Commissioners," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Thorn gives notice that he requests that the Senate bill introduced by Mr. Davis (No. 1049, Rec. No. 284), entitled "An act to amend the Public Health Law, in relation to fees of physicians for making examinations in tuberculosis cases," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Thorn gives notice that he requests that the Senate bill introduced by Mr. Davis (No. 1212, Rec. No. 309), entitled "An act to amend the Lien Law, relating to discharge of mechanics' liens," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Thorn gives notice that he requests that the Senate bill introduced by Mr. Davis (No. 1137, Rec. No. 283), entitled "An act to amend chapter forty-seven of the Laws of nineteen hundred and nine, entitled 'An act relating to prisons, constituting chapter forty-three of the Consolidated Laws,' relative to making the definite terms of a certain class of prisoners indeterminate terms," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. MacGregor gives notice that he requests that the Senate bill introduced by Mr. Davis (No. 1007, Assembly reprint No. 2302, Rec. No. 210), entitled "An act to amend chapter one hundred



and five of the Laws of eighteen hundred and ninety-one, entitled 'An act to revise the charter of the city of Buffalo,' in relation to permits to carry pistols, and in relation to the police pension fund," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Waters gives notice that he requests that the Senate bill introduced by Mr. Grattan (No. 1460, Rec. No. 310), entitled "An act to amend the Insurance Law, generally," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Reed gives notice that he requests that the Senate bill introduced by Mr. Hewitt (No. 707, Rec. No. 180), entitled "An act to amend the Banking Law, in relation to loans by certain banks," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Robinson gives notice that he requests that the Senate bill introduced by Mr. Hinman (No. 1442, Rec. No. 305), entitled "An act to repeal sections one hundred and fifteen, one hundred and sixteen and three hundred and fifteen of the Judiciary Law," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Partridge gives notice that he requests that the Senate bill introduced by Mr. Heacock (No. 1008, Rec. No. 179), entitled "An act to amend the charter of the city of Johnstown, in relation to the water supply," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Partridge gives notice that he requests that the Senate bill introduced by Mr. Heacock (No. 940, Rec. No. 314), entitled "An act to amend chapter two hundred and seventy-five of the

Laws of eighteen hundred and ninety-nine, entitled 'An act to revise the charter of the city of Gloversville,' " a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. McLaughlin gives notice that he requests that the Senate bill introduced by Mr. Holden (No. 1201, Rec. No. 323), entitled "An act to amend chapter four hundred and ninety-two of the Laws of nineteen hundred and eight, entitled 'An act to provide for a commissioner of elections in and for the county of Onondaga,' " a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Reed gives notice that he requests that the Senate bill introduced by Mr. Hewitt (No. 968, Rec. No. 316), entitled "An act to amend section ninety-five of chapter forty-seven of the Laws of nineteen hundred and nine, entitled 'An act relating to prisons, constituting chapter forty-three of the Consolidated Laws,' relative to the compensation of the chaplain and physician at the State Prison for Women," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. MacGregor gives notice that he requests that the Senate bill introduced by Mr. Hill (No. 240, Rec. No. 252), entitled "Concurrent resolution of the Senate and Assembly proposing an amendment to section twenty-seven of article three of the Constitution, in relation to the powers of the boards of supervisors and county auditors or other fiscal officers," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Hammond gives notice that he requests that the Senate bill introduced by Mr. Holden (No. 1230, Rec. No. 234), entitled "An act to amend the Agricultural Law, relative to salary of Commissioner of Agriculture," a copy of which is hereto annexed, be made a special order, and asks that his request be referred

to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. MacGregor gives notice that he requests that the Senate bill introduced by Mr. Hill (No. 1388, Rec. No. 320), entitled "An act to amend section eleven-a of the Code of Criminal Procedure, relative to the appointment and payment of probation officers," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. MacGregor gives notice that he requests that the Senate bill introduced by Mr. Hill (No. 1356, Rec. No. 317), entitled "An act to repeal section twenty-four hundred and seventeen of the Code of Civil Procedure," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. MacGregor gives notice that he requests that the Senate bill introduced by Mr. Hill (No. 1355, Rec. No. 318), entitled "An act to amend the Code of Civil Procedure, in relation to satisfying judgments against joint debtors," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. MacGregor gives notice that he requests that the Senate bill introduced by Mr. Hill (No. 1354, Rec. No. 319), entitled "An act to amend the Penal Law, in relation to women," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Weimert gives notice that he requests that the Senate bill introduced by Mr. Hill (No. 962, Rec. No. 321), entitled "An act to provide for the construction of a bridge over the Erie canal at Georgia street in the city of Buffalo, and making an appropriation therefor," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the com-



mittee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Weimert gives notice that he requests that the Senate bill introduced by Mr. Hill (No. 1168, Rec. No. 228), entitled "An act to amend chapter forty-seven of the Laws of nineteen hundred and nine, entitled 'An act relating to prisons, constituting chapter forty-three of the Consolidated Laws,' relating to the appointment and compensation of the president," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Boshart gives notice that he requests that the Senate bill introduced by Mr. Platt (No. 764, Assembly reprint No. 2327, Rec. No. 155), entitled "An act to amend the Agricultural Law, in relation to suppression of infectious and contagious diseases of domestic animals," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Hemenway gives notice that he requests that the Senate bill introduced by Mr. Raines (No. 1157, Rec. No. 325), entitled "An act to amend the Agricultural Law, entitled 'An act in relation to agriculture, constituting chapter one of the Consolidated Laws,' in relation to regulations, the enforcement thereof and expenses incurred by sheriff," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Hemenway gives notice that he requests that the Senate bill introduced by Mr. Raines (No. 1327, Rec. No. 324), entitled "An act to provide a building at the New York Agricultural Experiment Station and making an appropriation therefor," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Oliver gives notice that he requests that the Senate bill introduced by Mr. Sullivan (No. 1415, Rec. No. 327), entitled "An act to repeal sections one, two and three of chapter three hundred

and thirteen of the Laws of nineteen hundred and one, relative to the sale of unclaimed articles of baggage in hotels, and to amend section two hundred of chapter thirty-eight of the Laws of nineteen hundred and nine, entitled 'An act in relation to liens, constituting chapter thirty-three of the Consolidated Laws,' and providing for the manner in which the lien of hotel-keepers and others may be enforced and also providing for the sale of unclaimed property left with hotel-keepers and others," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Baumes gives notice that he requests that the Senate bill introduced by Mr. Schlosser (No. 1015, Rec. No. 203), entitled "An act to amend an act, entitled 'An act to establish the Hudson-Fulton celebration commission, and to prescribe the powers and duties thereof, and making an appropriation therefor,' which became a law April twenty-seven, nineteen hundred and six, being chapter three hundred and twenty-five of the Laws of nineteen hundred and six," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Lee gives notice that he requests that the Senate bill introduced by Mr. Travis (No. 671, Rec. No. 220), entitled "Concurrent resolution of the Senate and Assembly proposing an amendment to section ten of article eight of the Constitution, relating to the indebtedness of cities and excepting certain kinds of bonds from computation of the debt limit of a city for purposes of such limitations," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Hemenway gives notice that he requests that the Senate bill introduced by Mr. Raines (No. 905, Rec. No. 159), entitled "An act to amend the Agricultural Law, entitled 'An act in relation to agriculture, constituting chapter one of the Consolidated Laws,' in relation to issuing notices of or quarantines relative to infectious or contagious diseases," a copy of which is hereto annexed,

be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

The Senate sent for concurrence the following entitled bills:

"An act to amend the Greater New York charter, in relation to regulating the sale in the public streets of the city of New York of tickets of admission to places of amusement" (No. 1042, Rec. No. 334), which was read the first time.

On motion of Mr. Robinson, and by unanimous consent, said bill was read the second time and ordered to a third reading.

On motion of Mr. Robinson, and by unanimous consent, said bill was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 134

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Lanahan	Miller W G	Spielberg
Barden	Filley	Lansing	Murphy C F	Staley
Bates	Foley	Lazarus	Murphy F J	Stern
Baumann	Fowler	Lee	Murray	Sullivan
Baumes	Francis	Leffingwell	Neupert	Surpless
Bennett	Frisbie	Levy A J	Nolan	Thompson
Bohan	Garbe	Levy J	Odell	Thorn
Boshart	Geoghegan	Lewis	Oliver	Todd
Brady	Glore	Lowe	O'Neil	Toombs
Brown G W	Glück	Lowman	Parker F B	Travis
Burhyte	Goodspeed	Lupton	Parker J S	Voss
Callan	Graubard	MacGregor	Partridge	Waddell
Caughlan	Gray	Manley	Perkins	Walters
Cheney	Green	Marks	Phillips C W	Ward
Clarke	Gunderman	Marlatt	Phillips J S	Waters
Colné	Hammond	Martin	Reed	Weaver
Conklin	Hann	McCue	Robinson	Weber
Costello	Hawley	McElligott	Rozan	Weimert
Cuvillier	Hemenway	McFarlane	Sargent	Wende
De Groot	Herrick	McGrath	Schmidt	White L H
Donnelly	Hoey	McInerney	Schutta	Whitley
Draper	Howard	McKeon	Scott	Whitney
Duell	Jackson	McLaughlin	Sheridan	Williams
Fagleton	Jordan	Mead	Silbermann	Wood
Edwards	Joseph	Merritt	Smith A E	Yale
Evans	Klein	Millen	Smith C	Young F L
Farrar	Lachman	Miller J L	Smith F L	



Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

"An act to amend the Labor Law, in relation to the notice to be given to the employer in case of injury or death of employee" (No. 1351, Rec. No. 335), which was read the first time and referred to the committee on labor and industries.

"An act to authorize the board of trustees of the village of Ellenville, in the county of Ulster, to provide for a supply of water for such village and to raise the necessary funds therefor by issuing and selling village bonds" (No. 1341, Rec. No. 336), which was read the first time.

On motion of Mr. E. Young, and by unanimous consent, said bill was read the second time and ordered to a third reading.

On motion of Mr. E. Young, and by unanimous consent, said bill was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 141

NOES 00

Those who voted in the affirmative were:

Allen	Filley	Lachman	Miller W G	Spielberg
Barden	Foley	Lanahan	Murphy C F	Staley
Bates	Fowler	Lansing	Murphy F J	Stein
Baumann	Francis	Lazarus	Murray	Stern
Baumes	Frisbie	Lee	Neupert	Sullivan
Bennett	Garbe	Leffingwell	Nolan	Surpless
Bohan	Geoghegan	Levy A J	Odell	Thompson
Boshart	Gillen	Levy J	Oliver	Thorn
Brady	Glore	Lewis	O'Neil	Todd
Brown C F	Glück	Lowe	Parker F B	Toombs
Brown G W	Goldberg	Lowman	Parker J S	Travis
Burhyte	Goodspeed	Lupton	Partridge	Voss
Callan	Graubard	MacGregor	Perkins	Waddell
Caughlan	Gray	Manley	Phillips C W	Walters
Cheney	Green	Marks	Phillips J S	Ward
Clarke	Gunderman	Marlatt	Reed	Waters
Colné	Hackett	Martin	Robinson	Weaver
Conklin	Hammond	McCue	Rozan	Weber
Costello	Hamn	McElligott	Sargent	Weimert
Cuvillier	Hawley	McFarlane	Schmidt	Wende

De Groot	Hemenway	McGrath	Schutta	White L H
Donnelly	Herrick	McInerney	Scott	Whitley
Draper	Hoey	McKeon	Shea	Whitney
Duell	Howard	McLaughlin	Sheridan	Williams
Eagleton	Jackson	Mead	Silbermann	Wood
Edwards	Jordan	Merritt	Smith A E	Yale
Evans	Joseph	Millen	Smith C	Young E
Farrar	Klein	Miller J L	Smith F L	Young F L
Fay				

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

“An act to incorporate the city of Lackawanna” (No. 1424, Rec. No. 337), which was read the first time.

On motion of Mr. Wende, and by unanimous consent, said bill was read the second time and ordered to a third reading.

On motion of Mr. Wende, and by unanimous consent, said bill was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 134

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Lanahan	Miller W G	Spielberg
Barden	Filley	Lansing	Murphy C F	Staley
Bates	Foley	Lazarus	Murphy F J	Stein
Baumann	Fowler	Lee	Murray	Sullivan
Baumes	Francis	Leffingwell	Neupert	Surpless
Bennett	Frisbie	Levy A J	Nolan	Thompson
Bohan	Garbe	Levy J	Odell	Thorn
Boshart	Geoghegan	Lewis	Oliver	Todd
Brady	Glore	Lowe	O'Neil	Toombs
Brown G W	Glück	Lowman	Parker F B	Travis
Burhyte	Goodspeed	Lupton	Parker J S	Voss
Callan	Graubard	MacGregor	Partridge	Waddell
Caughlan	Gray	Manley	Perkins	Walters
Cheney	Green	Marks	Phillips C W	Ward
Clarke	Gunderman	Marlett	Phillips J S	Waters
Colne	Hammond	Martin	Reed	Weaver
Conklin	Hamm	McCue	Robinson	Weber
Costello	Hawley	McElligott	Rozan	Weimert
Cuvillier	Hemenway	McFarlane	Sargent	Wende
De Groot	Herrick	McGrath	Schmidt	White L H
Donnelly	Hoey	McInerney	Schutta	Whitley
Draper	Howard	McKeon	Scott	Whitney

Duell	Jackson	McLaughlin	Sheridan	Williams
Eagleton	Jordan	Mead	Silbermann	Wood
Edwards	Joseph	Merritt	Smith A E	Yale
Evans	Klein	Millen	Smith C	Young F L
Farrar	Lachman	Miller J L	Smith F L	

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

“An act to amend the Penal Law, in relation to larceny” (No. 1445, Rec. No. 338), which was read the first time and referred to the committee on codes.

“An act to amend the Greater New York charter, in relation to the fixing and regulating of the salaries of members of the super-  
vising and teaching staff of the public schools in the city of New  
York, and to the general school fund” (No. 1210, Rec. No.  
339), which was read the first time and referred to the committee  
on affairs of cities.

“An act to amend the Banking Law, in relation to deposits with  
Superintendent” (No. 1485, Rec. No. 340), which was read the  
first time and referred to the committee on banks.

“An act to amend the Greater New York charter, relating to  
hospitals for the treatment of contagious, pestilential or infectious  
diseases” (No. 1491, Rec. No. 341), which was read the first  
time.

On motion of Mr. Robinson, and by unanimous consent, said  
bill was read the second time and ordered to a third reading.

On motion of Mr. Robinson, and by unanimous consent, said bill  
was read the third time, having been printed and upon the desks  
of the members in its final form at least three calendar legislative  
days prior to its final passage.

Mr. Speaker put the question whether the House would agree  
to the final passage of said bill, and it was determined in the  
affirmative, a majority of all the members elected to the Assembly  
voting in favor thereof, and three-fifths being present.

AYES 133

NOES 00

Those who voted in the affirmative were:

Allen	Filley	Lansing	Murphy C F	Spielberg
Barden	Foley	Lazarus	Murphy F J	Staley
Bates	Fowler	Lee	Murray	Stein
Baumann	Francis	Leffingwell	Neupert	Sullivan



Baumes	Frisbie	Levy A J	Nolan	Surpless
Bennett	Garbe	Levy J	Odell	Thompson
Bosbart	Geoghegan	Lewis	Oliver	Thorn
Bra'cy	Glore	Lowe	O'Neil	Todd
Brown G W	Glück	Lowman	Parker F B	Toombs
Burhyte	Goodspeed	Lupton	Parker J S	Travis
Callan	Graubard	MacGregor	Partridge	Voss
Caughlan	Gray	Manley	Perkins	Wadell
Cheney	Green	Marks	Phillips C W	Walters
Clarke	Gunderman	Marlatt	Phillips J S	Ward
Colné	Hammond	Martin	Reed	Waters
Conklin	Hamm	McCue	Robinson	Weaver
Costello	Hawley	McElligott	Rozan	Weber
Cuvillier	Hemenway	McFarlane	Sargent	Weimert
De Groot	Herrick	McGrath	Schmidt	Wende
Donnelly	Hoey	McInerney	Schutta	White L H
Draper	Howard	McKeon	Scott	Whitley
Duell	Jackson	McLaughlin	Sheridan	Whitney
Eagleton	Jordan	Mead	Silbermann	Williams
Edwards	Joseph	Merritt	Smith A E	Wood
Evans	Klein	Millen	Smith C	Yale
Farrar	Lachman	Miller J L	Smith F L	Young F L
Fay	LANAHAN	Miller W G		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

"An act making appropriations for construction, additions and improvements at the State hospitals for the insane" (No. 1348, Rec. No. 342), which was read the first time and referred to the committee on ways and means.

"An act providing for the construction of buildings and improvements for the New York Training School for Boys, and making an appropriation therefor" (No. 1488, Rec. No. 343), which was read the first time and referred to the committee on ways and means.

"An act to amend the Public Health Law, in relation to the quarantine commissioners and the health officer for the port of New York, and repealing certain sections relating to the quarantine commissioners" (No. 1300, Rec. No. 344), which was read the first time and referred to the committee on public health.

"An act to amend chapter twenty-eight of the Consolidated Insurance Laws of nineteen hundred and nine, relating to partnership or association of underwriters known as Lloyds" (No. 1459, Rec. No. 345), which was read the first time and referred to the committee on insurance.

"An act to make the office of the clerk of the county of Rich-

mond a salaried office, and regulating the management of said office" (No. 1461, Rec. No. 346), which was read the first time and referred to the committee on internal affairs.

"An act to amend the Code of Civil Procedure, in relation to the officers of the Court of Claims" (No. 1438, Rec. No. 347), which was read the first time and referred to the committee on codes.

"An act to promote the health and efficiency of policemen in cities of the first and second class" (No. 1462, Rec. No. 348), which was read the first time and referred to the committee on affairs of cities.

"An act to amend the General Business Law, in relation to itinerant vendors" (No. 1213, Rec. No. 349), which was read the first time and referred to the committee on general laws.

"An act relating to the Capitol Building and a suitable building for the Court of Appeals, and making an appropriation therefor" (No. 1376, Rec. No. 350), which was read the first time and referred to the committee on ways and means.

"An act to amend the Military Law, in relation to the militia of the State" (No. 1183, Rec. No. 351), which was read the first time and referred to the committee on military affairs.

"An act to amend the Penal Law, entitled 'An act providing for the punishment of crime,' constituting chapter forty of the Consolidated Laws, in relation to dangerous explosive substances" (No. 1075, Rec. No. 352), which was read the first time and referred to the committee on codes.

"An act to amend the Railroad Law, in relation to the rate of fare" (No. 134, Rec. No. 353), which was read the first time and referred to the committee on railroads.

"An act to amend the Penal Law, in relation to prohibiting and punishing the unauthorized manufacture, counterfeit or sale of any flag, medal, badge or button of any celebration commission of the State" (No. 1506, Rec. No. 354), which was read the first time and referred to the committee on codes.

"An act to amend chapter forty-seven of the Laws of eighteen hundred and sixty-nine, entitled 'An act regulating auction sales in the village of Wellsville,' in relation to transient retail business

in such villages ” (No. 1448, Rec. No. 355), which was read the first time and referred to the committee on affairs of villages.

“An act making an appropriation for highway improvement purposes ” (No. 1474, Rec. No. 356), which was read the first time and referred to the committee on ways and means.

“An act making an appropriation for the State Commission of Highways for the maintenance and repair of public highways improved or constructed by State aid ” (No. 1473, Rec. No. 357), which was read the first time and referred to the committee on ways and means.

By unanimous consent, the following bills were introduced:

Mr. Duell introduced a bill entitled “An act to amend the Poor Law, in relation to the method of determining and raising necessary moneys for the support of the poor in cities ” (Int. No. 1770), which was read the first time and referred to the committee on affairs of cities.

Mr. Merritt introduced a bill entitled “An act to amend the Tax Law, in relation to tax-roll and collector’s warrant ” (Int. No. 1771), which was read the first time and referred to the committee on taxation and retrenchment.

Mr. Surpluss introduced a bill entitled “An act to exempt the real estate of hospitals in the city of New York as now constituted from assessments for local improvements ” (Int. No. 1772), which was read the first time and referred to the committee on affairs of cities.

Mr. Glore introduced a bill entitled “An act to amend section two hundred and seventy of the Greater New York charter, as amended by chapter four hundred and sixty-six of the Laws of nineteen hundred and six, and the acts amendatory thereto, relating to the police department ” (Int. No. 1773), which was read the first time and referred to the committee on affairs of cities.

Mr. Speaker, from the committee on rules, to which was referred Assembly bill introduced by Mr. Edwards (No. 2358, Int. No. 1699), entitled “An act to amend the County Law, in relation to the office of county comptroller,” reported in favor of the passage of the same without amendment, and that the same be made a special order on third reading immediately, which re-



port was agreed to, and said bill ordered made a special order on third reading immediately.

Mr. Speaker, from the committee on rules, to which was referred Assembly bill introduced by Mr. Colné (No. 2365, Int. No. 1751), entitled "An act to amend chapter one hundred and forty-seven of the Laws of nineteen hundred and three, entitled 'An act making provision for issuing bonds to the amount of not to exceed one hundred and one million dollars for the improvement of the Erie canal, the Oswego canal and the Champlain canal, and providing for a submission of the same to the people to be voted upon at the general election to be held in the year nineteen hundred and three, by adding thereto a new section to be known as section seventeen thereof, to provide for the sale of materials encountered in excavation and not necessary for the improvement work.'"

Also, Assembly bill introduced by Mr. Duell (No. 2349, Int. No. 1745), entitled "An act relating to the repaving of streets and highways in the city of Mount Vernon, which have once been paved at the expense of abutting property, in whole or in part, and authorize such city to raise money therefor by the issue of bonds."

Also, Assembly bill introduced by Mr. C. F. Murphy (No. 2195, Int. No. 1658), entitled "An act to amend the Code of Civil Procedure, in relation to proofs upon which to found service of summons by publication."

Also, Assembly bill introduced by Mr. Marks (No. 2342, Int. No. 1738), entitled "An act authorizing the Temple Israel of Harlem, a religious corporation, to increase the number of its trustees from nine to any number not exceeding fifteen."

Also, Assembly bill introduced by Mr. Millen (No. 2351, Int. No. 1747), entitled "An act to amend the Public Health Law, in relation to the application of certain provisions to the village of Saranac Lake and the town and village of Liberty, in the county of Sullivan."

Also, Assembly bill introduced by Mr. Millen (No. 4441, Int. No. 425), entitled "An act to amend the Forest, Fish and Game Law, in relation to the season for hares and rabbits in Sullivan county."

Also, Assembly bill introduced by Mr. C. F. Murphy (No. 2314, Int. No. 1678), entitled "An act to amend the Membership Corporations Law, in relation to formation of proprietor's corporations."

Also, Assembly bill introduced by Mr. Williams (No. 2352, Int. No. 1748), entitled "An act to amend the Forest, Fish and Game Law, in relation to spearing in the Delaware river, in the town of Middletown, Delaware county."

Also, Assembly bill introduced by Mr. Cuvillier (No. 458, Int. No. 443), entitled "An act to confer jurisdiction upon the Court of Claims to hear and determine any and all claims against the State of New York for damages for personal injuries alleged to have been sustained by Francis J. Hyland, by being struck and run over by a tender of a fire engine of the fire department of the city of New York, while walking on Third avenue in the city of New York, borough of Manhattan."

Also, Senate bill introduced by Mr. Allds (No. 519, Rec. No. 57), entitled "An act to amend the Tax Law, in relation to taxable transfers."

Also, Senate bill introduced by committee on finance (No. 1411, Rec. No. 304), entitled "An act to amend the Tax Law, in relation to the compensation and the powers and duties of the State Board of Tax Commissioners."

Also, Senate bill introduced by Mr. Davis (No. 1049, Rec. No. 284), entitled "An act to amend the Public Health Law, in relation to fees of physicians for making examinations in tuberculosis cases."

Also, Senate bill introduced by Mr. Davis (No. 1212, Rec. No. 309), entitled "An act to amend the Lien Law, relating to discharge of mechanics' liens."

Also, Senate bill introduced by Mr. Davis (No. 1137, Rec. No. 283), entitled "An act to amend chapter forty-seven of the Laws of nineteen hundred and nine, entitled 'An act relating to prisons, constituting chapter forty-three of the Consolidated Laws,' relative to making the definite terms of a certain class of prisoners indeterminate terms."

Also, Senate bill introduced by Mr. Davis (No. 1007, Assembly reprint No. 2302, Rec. No. 210), entitled "An act to amend

chapter one hundred and five of the Laws of eighteen hundred and ninety-one, entitled 'An act to revise the charter of the city of Buffalo,' in relation to permits to carry pistols, and in relation to the police pension fund."

Also, Senate bill introduced by Mr. Grattan (No. 1460, Rec. No. 310), entitled "An act to amend the Insurance Law, generally."

Also, Senate bill introduced by Mr. Hewitt (No. 707, Rec. No. 180), entitled "An act to amend the Banking Law, in relation to loans by certain banks."

Also, Senate bill introduced by Mr. Hinman (No. 1442, Rec. No. 305), entitled "An act to repeal sections one hundred and fifteen, one hundred and sixteen and three hundred and fifteen of the Judiciary Law."

Also, Senate bill introduced by Mr. Heacock (No. 1008, Rec. No. 179), entitled "An act to amend the charter of the city of Johnstown, in relation to the water supply."

Also, Senate bill introduced by Mr. Heacock (No. 940, Rec. No. 314), entitled "An act to amend chapter two hundred and seventy-five of the Laws of eighteen hundred and ninety-nine, entitled 'An act to revise the charter of the city of Gloversville.'"

Also, Senate bill introduced by Mr. Holden (No. 1201, Rec. No. 323), entitled "An act to amend chapter four hundred and ninety-two of the Laws of nineteen hundred and eight, entitled 'An act to provide for a commissioner of elections in and for the county of Onondaga.'"

Also, Senate bill introduced by Mr. Hewitt (No. 968, Rec. No. 316), entitled "An act to amend section ninety-five of chapter forty-seven of the Laws of nineteen hundred and nine, entitled 'An act relating to prisons, constituting chapter forty-three of the Consolidated Laws,' relative to the compensation of the chaplain and physician at the State Prison for Women."

Also, Senate bill introduced by Mr. Hill (No. 240, Rec. No. 252), entitled "Concurrent resolution of the Senate and Assembly proposing an amendment to section twenty-seven of article three of the Constitution, in relation to the powers of the boards of supervisors and county auditors or other fiscal officers."

Also, Senate bill introduced by Mr. Holden (No. 1230, Rec.



No. 234), entitled "An act to amend the Agricultural Law, relative to salary of Commissioner of Agriculture."

Also, Senate bill introduced by Mr. Hill (No. 1388, Rec. No. 320), entitled "An act to amend section eleven-a of the Code of Criminal Procedure, relative to the appointment and payment of probation officers."

Also, Senate bill introduced by Mr. Hill (No. 1356, Rec. No. 317), entitled "An act to repeal section twenty-four hundred and seventeen of the Code of Civil Procedure."

Also, Senate bill introduced by Mr. Hill (No. 1355, Rec. No. 318), entitled "An act to amend the Code of Civil Procedure, in relation to satisfying judgments against joint debtors."

Also, Senate bill introduced by Mr. Hill (No. 1354, Rec. No. 319), entitled "An act to amend the Penal Law, in relation to women."

Also, Senate bill introduced by Mr. Hill (No. 962, Rec. No. 321), entitled "An act to provide for the construction of a bridge over the Erie canal at Georgia street in the city of Buffalo, and making an appropriation therefor."

Also, Senate bill introduced by Mr. Hill (No. 1168, Rec. No. 228), entitled "An act to amend chapter forty-seven of the Laws of nineteen hundred and nine, entitled 'An act relating to prisons, constituting chapter forty-three of the Consolidated Laws,' relating to the appointment and compensation of the president."

Also, Senate bill introduced by Mr. Platt (No. 764, Assembly reprint No. 2327, Rec. No. 155), entitled "An act to amend the Agricultural Law, in relation to suppression of infectious and contagious diseases of domestic animals."

Also, Senate bill introduced by Mr. Raines (No. 1157, Rec. No. 325), entitled "An act to amend the Agricultural Law, entitled 'An act in relation to agriculture, constituting chapter one of the Consolidated Laws,' in relation to regulations, the enforcement thereof and expenses incurred by sheriff."

Also, Senate bill introduced by Mr. Raines (No. 1327, Rec. No. 324), entitled "An act to provide a building at the New York Agricultural Experiment Station, and making an appropriation therefor."

Also, Senate bill introduced by Mr. Sullivan (No. 1415, Rec. No. 327), entitled "An act to repeal sections one, two and three

of chapter three hundred and thirteen of the Laws of nineteen hundred and one, relative to the sale of unclaimed articles of baggage in hotels, and to amend section two hundred of chapter thirty-eight of the Laws of nineteen hundred and nine, entitled 'An act in relation to liens, constituting chapter thirty-three of the Consolidated Laws,' and providing for the manner in which the lien of hotel-keepers and others may be enforced and also providing for the sale of unclaimed property left with hotel-keepers and others."

Also, Senate bill introduced by Mr. Schlosser (No. 1015, Rec. No. 203), entitled "An act to amend an act, entitled 'An act to establish the Hudson-Fulton celebration commission, and to prescribe the powers and duties thereof, and making an appropriation therefor,' which became a law April twenty-seven, nineteen hundred and six, being chapter three hundred and twenty-five of the Laws of nineteen hundred and six."

Also, Senate bill introduced by Mr. Travis (No. 671, Rec. No. 220), entitled "Concurrent resolution of the Senate and Assembly proposing an amendment to section ten of article eight of the Constitution, relating to the limitation of the indebtedness of cities and excepting certain kinds of bonds from computation of the debt of a city for purposes of such limitation," reported in favor of the passage of the same without amendment, and that the same be made special orders on second and third reading immediately after the consideration of the special orders on third reading heretofore reported, which report was agreed to, and said bills ordered made special orders on second and third reading immediately after the consideration of the special orders on third reading heretofore reported.

Mr. Speaker, from the committee on rules, to which was referred the Senate bill introduced by Mr. Raines (No. 905, Rec. No. 159), entitled "An act to amend the Agricultural Law, entitled 'An act in relation to agriculture, constituting chapter one of the Consolidated Laws,' in relation to issuing notices of or quarantines relative to infectious or contagious diseases," reported in favor of the passage of the same, with the following amendments:

Page 2, line 12, after the word "poles" insert the following in italics: "other than those carrying wires transmitting electricity for light or power".

and that the same be reprinted, as amended, and that when it shall have been on the desks of the members three calendar legislative days it be made a special order on second and third reading immediately after consideration of the special orders on third reading theretofore reported, which was agreed to, and said bill ordered reprinted, as amended, and that when it shall have been on the desks of the members three calendar legislative days it be made a special order on second and third reading immediately after the consideration of the special orders on third reading theretofore reported.

Mr. Draper, from the committee on privileges and elections, presented the following report:

IN ASSEMBLY OF THE STATE OF NEW YORK.

In the matter of the contest of SAMUEL WEINSTEIN to the seat of SAMUEL GLUCK, Member of Assembly of the Twenty-first Assembly District of the county of Kings.

*To the Honorable Assembly of the State of New York:*

Your standing committee on privileges and elections to whom was referred the above contest begs leave to make the following report:

The petition of Samuel Weinstein respectfully shows to your honorable committee as follows:

First.—That your petitioner was nominated for the office of Member of Assembly by the Republican party in the Twenty-first Assembly District of Kings county; that his name appeared upon the official ballot voted at the election held November 5, 1908; that the said Samuel A. Glück was nominated for said office by the Democratic party of said district and his name appeared upon the official ballot voted for at said election.

Second.—That according to the official canvass made by the board of canvassers for the county of Kings, the said Samuel A. Glück was declared elected Member of Assembly of said district by a majority of twenty (20) votes, but as a matter of fact the said Samuel A. Glück was not elected by twenty votes, as appeared from a recount of the void and protested ballots contained in the envelopes and filed in the office of the clerk of the county of Kings, as upon such recount it appeared that there were votes counted



for the said Samuel A. Glück that should have been counted for said Samuel Weinstein and votes which were not counted at all which should have been counted for the said Samuel Weinstein.

Third.—Upon information and belief your petitioner alleges that if the ballot boxes were opened and the ballots therein contained recounted in each of the fifteen election districts of the Twenty-first Assembly District, the result would show that your petitioner had a majority of all the votes cast for the office of Member of Assembly in said district.

Fourth.—Upon information and belief petitioner alleges that in several of the election districts of said Assembly district a large number of votes were procured by fraud by the said Samuel A. Glück and his representatives, and that a large number of voters were prevented from voting for your petitioner by the said Samuel A. Glück and his representatives, and makes the following statements also upon information and belief:

In the tenth election district of the said Twenty-first Assembly District, Samuel A. Glück and several of his representatives stood at the polling place in the said election district at Siegel street, and openly electioneered in violation of the Election Law of the State of New York, and in a large number of cases where persons approached the representatives of your petitioner for the purpose of obtaining instructions in all cases outside of the election line, said voters were forcibly pushed and jostled by Democrats representing the said Samuel A. Glück and prevented from receiving said instructions.

In the ninth election district of said Assembly district representatives of the said Samuel A. Glück held up the entire line of voters by challenging without cause and for the purpose of delaying the vote of said district, knowing that the same was liable to give a Republican majority. When requested to desist they refused to do so and the result was that more than thirty voters who offered their vote at the polling place at said district were unable to vote and had not voted when the polls closed at five o'clock. The only way it was possible to stop said representatives of Samuel A. Glück from thus interfering with the voting, was to obtain assistance from the Republican General Committee and through them the police department of the city of New York.

In the sixth election district the Democratic inspectors refused to challenge votes where the names appeared on the challenge sheet prepared by the superintendent of elections of the city of New York after being requested to do so.

In the first election district petitioner is informed that a large number of floaters who were registered from a certain hotel known

as the Glenwood House, situated at Broadway, in said district, voted at said election, and petitioner believes that a large number were not entitled to vote and were only registered at the Glenwood House for the purpose of voting and affecting the election of your petitioner and the balance of the Republican party.

Further, in the first district one of the inspectors, a member of the Republican party and appointed by recommendation of the chairman of the Republican General Committee, did not perform the duties of inspector during a large portion of the day, and instead of performing the duties of inspector he was openly going through the district electioneering against your petitioner.

Fifth.—Your petitioner will present documentary evidence and call witnesses to substantiate the foregoing statements at a hearing or hearings to be held by your committee.

Wherefore, Your petitioner prays that the committee bring before it the ballot boxes containing the votes cast in each of the fifteen election districts of the Twenty-first Assembly District, and in the presence of said committee said boxes be opened and the ballots therein contained recounted, and at the conclusion of the proceedings that your committee recommend to the Assembly of the State of New York the following resolution for adoption by that body.

Resolved, That Samuel A. Glück was not elected to the Assembly of the State of New York from the Twenty-first Assembly District of the county of Kings on November 5, 1908, and is not entitled to a seat therein; further

Resolved, That Samuel Weinstein was elected to the Assembly of the State of New York from the Twenty-first Assembly District of Kings county on November 5, 1908, and is entitled to his seat therein for which and all of which your petitioner will ever pray.

Dated February 5, 1909.

That the answer filed herein denies the allegations as follows:

The answer of Samuel A. Glück, Member of Assembly of the Twenty-first Assembly District of Kings county, to the petition of Samuel Weinstein, the contestant in the above entitled matter, respectfully shows to your honorable committee as follows:

First.—It is hereby admitted that which is set forth in the first paragraph of the contestant's petition, wherein it is stated that he was nominated for the office of Member of Assembly by the Republican party of the Twenty-first Assembly District of Kings county; that his name appeared upon the official ballot voted at the election held November 5, 1908; that the said Samuel A. Glück was nominated for such office by the Democratic party

of said district, and his name appeared upon the official ballot voted for at said election.

Second.—That according to the official canvass made by the board of canvassers for the county of Kings, the said Samuel A. Glück was declared elected Member of Assembly of said district by a majority of twenty (20) votes; but denies, upon information and belief, each and every other allegation, statement, declaration or otherwise, as is set forth in said paragraph marked "Second".

Third.—Each and every allegation, statement, declaration or otherwise contained in paragraph marked "Third" of the petition heretofore mentioned, is denied.

Fourth.—Each and every allegation, statement, declaration or otherwise, contained in paragraph marked "Fourth" of the petition heretofore mentioned, is denied.

Fifth.—Each and every allegation, statement, declaration or otherwise, contained in paragraph marked "Fifth" of the petition heretofore mentioned, is denied.

Wherefore, It is respectfully submitted that the petition of the contestant be denied and dismissed.

That the contestant was represented by William W. Wingate, attorney-at-law, No. 44 Court street, Brooklyn, N. Y.

And the contestee by Harry H. Dale, attorney-at-law, No. 296 Hooper street, Brooklyn, N. Y.

That after the joinder of issue, considerable testimony was taken and it appears from said testimony that the tally sheets and statements of canvass, as in the other contests, contained some clerical errors in matters of addition and omission to fill out figures on the proper lines or in the proper columns, and that there was some difficulty in arriving at the true vote cast for Member of Assembly.

Following the precedent established in such cases, your committee granted the motion made by the contestant herein to open the ballot boxes and make a recount, in order to remove all possible doubt as to who received a plurality of votes.

A review of void and protested ballots showed discrepancies whereby both the contestant and contestee made a gain of four votes each. Your committee found discrepancies ranging from two to eight votes in every election district except one, making a total discrepancy of fifty-seven votes. But the loss and gain for each candidate, in a summary, was such that the contestee received the same plurality as given him by the inspectors.

Your committee further reports that the allegations as to fraud and violation of the Election Law in the way of prohibiting the electors at the polls from casting their votes, and interference by electioneering within proper distance from the polls, was not sub-



stantiated by sufficient proof to warrant the committee in making any recommendations in connection therewith. The allegation that certain floaters and illegal voters were registered at a certain hotel, known as the Glenwood House, situated on Broadway, in the said district, was not proven to the satisfaction of the committee, and we refrain from recommending any action upon this allegation.

Your committee, therefore, finds that the contestant has failed to establish the allegations set forth in his petition. That a careful recount has been made of the void and protested ballots, and of each and every ballot in the ballot boxes, and that Samuel Glück has a plurality of twenty (20) votes; and as a conclusion, that the contestant, Samuel Weinstein, has failed to establish his right to the seat of Samuel Glück, as Member of Assembly of the Twenty-first Assembly District of the county of Kings; and that Samuel Glück was duly elected thereto and is entitled to his seat as such member from January 1, 1909, to January 1, 1910.

Dated NEW YORK, April 22, 1909.

which report was agreed to.

Mr. Draper, from the committee on privileges and elections, presented the following report:

#### IN ASSEMBLY OF THE STATE OF NEW YORK.

In the matter of the contest of WILLIAM H. REILLY to the seat of GEORGE W. BROWN, Member of Assembly of the Fourth Assembly District of the county of Kings.

*To the Honorable Assembly of the State of New York:*

Your standing committee on privileges and elections to whom was referred the above contest begs leave to make the following report:

That the petition which was filed and served herein states as ground of contest as follows:

The petition of the above named contestant William H. Reilly respectfully shows:

First.—That your petitioner is a resident of the Fourth Assembly District of the borough of Kings, city of New York.

Second.—That at the general election held in and for the State of New York on the 3d day of November, 1908, your petitioner was the candidate of the Democratic party for the office of Member of Assembly in and for said district, and his name appeared on the official ballot cast in said district at such election as the Democratic nominee and candidate for said office in said district.

Third.—That one George W. Brown claiming to be a resident

of said district was a candidate for said office of Member of Assembly in and for said district, and his name appeared upon the official ballot cast at such election in said Assembly district as the nominee and candidate of the Republican party in such district for said office.

Fourth.—Your petitioner further avers upon information and belief that of all the legal ballots cast in said Fourth Assembly District at said general election for the office of Member of Assembly in and for said district your petitioner received a plurality thereof.

Fifth.—Your petitioner further avers upon information and belief that the returns made by the election officers in the various election districts of the said Fourth Assembly District of the ballots cast at such general election for said office of Member of Assembly were erroneous and incorrect and that ballots which should have been counted for your petitioner were not so counted and ballots were counted for the said George W. Brown which should have been counted for your petitioner; that ballots which are in effect void were counted for the said George W. Brown.

Sixth.—Your petitioner further avers upon information and belief that the board of elections of the city of New York relying upon such erroneous canvass and incorrect and erroneous returns, granted to said George W. Brown a certificate of election for the office of Member of Assembly in and for the said Fourth Assembly District and, as your petitioner is informed and believes, that the said George W. Brown now claims title to the said office of Member of Assembly in the said Fourth Assembly District.

Wherefore, Your petitioner respectfully prays that your honorable body by itself or through its legally constituted committee shall recanvass and recount the votes cast in said Fourth Assembly District for the office of Member of Assembly at the general election held in and for said district on the 3d day of November, 1908, and that your honorable body, or its legally constituted committee, shall also re-examine the so-called void and protested ballots cast in said Fourth Assembly District for office of Member of Assembly at the general election held in and for the said district on the 3d day of November, 1908.

That the answer filed herein denies the allegations as follows:

The contestee, answering the petition of the above named contestant, by his attorney, Charles W. Phillipbar:

First.—Neither affirms or denies the allegations contained in paragraph first of the said petition.

Second.—Neither affirms or denies the allegations contained in paragraph second of the said petition.

Third.—Affirms and alleges that he, the said George W. Brown, was and is a resident of the Fourth Assembly District of the county of Kings, State of New York, and was a candidate for the office of Member of Assembly in and for the said district, and that his name did duly appear upon the official ballot cast at such election in said Assembly district as the nominee and candidate of the Republican party in such district for said office.

Fourth.—Denies that of all the legal ballots cast in said Fourth Assembly District at the general election held in and for the State of New York on the 3rd day of November, 1908, for the office of Member of the Assembly the petitioner received a plurality thereof, but alleges that of all the legal ballots cast in said Fourth Assembly District of the county of Kings, State of New York, at the said general election for the office of Member of Assembly in and for said district, he, George W. Brown, the contestee herein named, received a plurality thereof.

Fifth.—Denies that the returns made by the election officers in the various election districts of the said Fourth Assembly District of the ballots cast at said general election for said office of Member of Assembly were erroneous or incorrect; or that ballots which should have been counted for said petitioner, William H. Reilly, were not so counted; or that ballots which are in effect void were counted for him, George W. Brown, the contestee herein; it having been fully and duly determined in the manner provided by law that the returns made by the election officers in the various election districts of said Fourth Assembly District of the county of Kings, of the ballots cast at said general election for said office of Member of Assembly were correct and accurate, and that all the ballots which should have been counted for the said petitioner, William H. Reilly, were so counted and that no ballots were counted for George W. Brown, the contestee herein; it having been fully and duly determined in the manner provided by law that the returns made by the election officers in the various election districts of said Fourth Assembly District of the county of Kings, of the ballots cast at said general election for said office of Member of Assembly were correct and accurate, and that all the ballots which should have been counted for the said petitioner, William H. Reilly, were so counted, and that no ballots were counted for George W. Brown, the contestee herein, which should not have been counted for him.

Sixth.—Admits and affirms that the board of elections of the city of New York duly granted to George W. Brown, contestee herein, a certificate of election for the office of Member of Assembly in and for the Fourth Assembly District of the county of Kings and that the said George W. Brown now claims and holds



title to the said office of Member of Assembly in and for the said Fourth Assembly District of the county of Kings, but denies that said board of elections relied upon an erroneous canvass or upon incorrect or erroneous returns, it having been duly and regularly decided that such canvass was true and accurate and that said returns were correct and accurate.

Wherefore, George W. Brown, contestee herein, respectfully prays that your honorable body dismiss the said petition of said William H. Reilly, there having been shown no necessity or apparent reason for a recanvass or recount of the votes cast in the said Fourth Assembly District of the county of Kings for the office of Member of Assembly at the general election held in and for the said district on the 3rd day of November, 1908.

That the contestant was represented by Ernest H. Wallace, No. 170 Broadway, New York city, and the contestee by Charles W. Phillipbar, No. 32 Nassau street, New York city.

That after joinder of issue, your committee proceeded to review the petition and answer and is fully satisfied that William H. Reilly was a legal resident of the Fourth Assembly District, county of Kings, and was the regular nominee of the Democratic party for the office of Member of Assembly of said Assembly district. Also, that George W. Brown is a legal resident of the said Assembly district and also the regular nominee of the Republican party for Member of Assembly of said district.

The void and protested ballots were examined and it was found that Reilly made slight gains. In comparing the tally sheets and the return of canvass, your committee found no evidence of discrepancies, except in the Seventeenth Election District wherein the summary of the tally sheet, that the inspectors had erred in their addition, also upon the statement of canvass they had not only erred in addition, but in the transferring of the votes of the different candidates. This discrepancy made a loss of thirty votes for Mr. Brown and eight for Mr. Reilly.

Your committee is of the opinion, in referring to the fifth allegation of the petition, that the Seventeenth Election District in the said Assembly district is the only one in which there were any errors or that the inspectors' work was erroneous and incorrect. Your committee has already called attention in the Strauss-Joseph contest of the somewhat careless manner in which the inspectors complete their returns, and also the board of canvassers in the fulfillment of their duties. We can only repeat that those methods make a real foundation for a contest.

The general appearance of canvass in this district, as a whole, is much better than that of the previous ones reviewed by your committee. Your committee did not deem it advisable to open

ballot boxes in this Assembly district, for the reason that the discrepancies of void and protested ballots in the Seventeenth Election District were not sufficient to change the general result. There was no evidence or testimony furnished setting forth fraud or violation of the Election Law.

It was at first contended by the contestant that much more proof, similar to that in the Seventeenth Election District, could be furnished but the evidence was not of the character that your committee deemed sufficient to note in this report, and it was further admitted by the contestant that he was unable to produce such proof as had been contended as possible at the time of filing of petition.

Your committee recommends in this case, as well as the others, that the board of inspectors and the board of canvassers also, give closer attention to their final reports as it would make much less work for your honorable committee and less number of contests would be filed. Upon these admissions and the failure to establish here discrepancies enough to overcome the plurality credited to the contestee by the inspectors, fraud not being charged or proven.

The committee finds that the contestant has failed to establish the allegations in his petition, and as a conclusion that the contestant, William H. Reilly, has failed to establish his right to the seat of George W. Brown, as member of Assembly of the Fourth Assembly District, county of Kings, and that George W. Brown was duly elected thereto and is entitled to his seat as such member from January 1, 1909, to January 1, 1910.

Your committee would, therefore, recommend to this honorable body the adoption of the resolution carrying into effect this report, all of which is respectfully submitted.

Dated NEW YORK, *April 22, 1909.*

which report was agreed to.

Mr. Draper offered for the consideration of the House a resolution, in the words following:

Resolved, That the Hon. George W. Brown was duly elected and entitled to hold the seat now occupied by him in the Assembly, State of New York, as a representative of the Fourth Assembly District, county of Kings, from the 1st day of January, 1909, to the 1st day of January, 1910.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 138

NOES 00

Those who voted in the affirmative were:

Allen	Filley	Lanahan	Murphy C F	Smith F L
Barden	Foley	Lansing	Murphy F J	Staley
Bates	Fowler	Lazarus	Murray	Stein
Baumann	Francis	Lee	Neupert	Stern
Baumes	Frisbie	Leffingwell	Nolan	Sullivan
Bennett	Garbe	Levy A J	Odell	Surpless
Bohan	Geoghegan	Levy J	Oliver	Thompson
Boshart	Glore	Lewis	O'Neil	Thorn
Brady	Glück	Lowe	Parker F B	Todd
Brown C F	Goldberg	Lowman	Parker J S	Toombs
Burhyte	Goodspeed	Lupton	Partridge	Travis
Callan	Graubard	MacGregor	Perkins	Voss
Caughlan	Gray	Manley	Phillips C W	Waddell
Cheney	Green	Marks	Phillips J S	Walters
Clarke	Gunderman	Marlatt	Reed	Ward
Colné	Hackett	Martin	Robinson	Waters
Conklin	Hammond	McCue	Rozan	Weaver
Costello	Hamn	McElligott	Sanner	Weber
Cuvillier	Hawley	McFarlane	Sargent	Weimert
De Groot	Hemenway	McGrath	Schmidt	Wende
Donnelly	Herrick	McInerney	Schutta	White L H
Draper	Hoey	McKeon	Scott	Whitley
Duell	Howard	McLaughlin	Shea	Whitney
Eagleton	Jackson	Mead	Sheridan	Williams
Edwards	Jordan	Merritt	Silbermann	Wood
Evans	Joseph	Millen	Smith A E	Yale
Farrar	Klein	Miller J L	Smith C	Young F L
Fay	Lachman	Miller W G		

Mr. Draper offered for the consideration of the House a resolution, in the words following:

Resolved, That the Hon. Samuel Glück was duly elected and entitled to hold the seat now occupied by him in the Assembly, State of New York, as a representative of the Twenty-first Assembly District of the county of Kings from the 1st day of January, 1909, to the 1st day of January, 1910.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 138

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Lanahan	Murphy C F	Smith F L
Barden	Filley	Lansing	Murphy F J	Staley
Bates	Foley	Lazarus	Murray	Stein
Baumann	Fowler	Lee	Neupert	Stern



Baumes	Francis	Leffingwell	Nolan	Sullivan
Bennett	Frisbie	Levy A J	Odell	Surpless
Bohan	Garbe	Levy J	Oliver	Thompson
Boshart	Geoghegan	Lewis	O'Neil	Thorn
Brady	Glore	Lowe	Parker F B	Todd
Brown C F	Goldberg	Lowman	Parker J S	Toombs
Brown G W	Goodspeed	Lupton	Partridge	Travis
Burhyte	Graubard	MacGregor	Perkins	Voss
Callan	Gray	Manley	Phillips C W	Wadden
Caughlan	Green	Marks	Phillips J S	Walters
Cheney	Gunderman	Marlatt	Reed	Ward
Clarke	Hackett	Martin	Robinson	Waters
Colne	Hammond	McCue	Rozan	Weaver
Conklin	Hamm	McElligott	Sanner	Weber
Costello	Hawley	McFarlane	Sargent	Weimert
Cuvillier	Hemenway	McGrath	Schmidt	Wende
De Groot	Herrick	McInerney	Schutta	White L H
Donnelly	Hoey	McKeon	Scott	Whitley
Draper	Howard	McLaughlin	Shea	Whitney
Duell	Jackson	Mead	Sheridan	Williams
Eagleton	Jordan	Merritt	Silbermann	Wood
Edwards	Joseph	Millen	Smith A E	Yale
Evans	Klein	Miller J L	Smith C	Young F L
Farrar	Lachman	Miller W G		

Mr. Merritt moved a call of the members of the House.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

By direction of the Speaker, the Clerk called the roll, when the following members responded.

Allen	Fay	Lanahan	Miller W G	Spielberg
Barden	Filley	Lansing	Murphy C F	Staley
Bates	Foley	Lazarus	Murphy F J	Stein
Baumann	Fowler	Lee	Murray	Stern
Baumes	Francis	Leffingwell	Neupert	Sullivan
Bennett	Frisbie	Levy A J	Nolan	Surpless
Bohan	Garbe	Levy J	Odell	Thompson
Boshart	Geoghegan	Lewis	Oliver	Thorn
Brady	Glore	Lowe	O'Neil	Todd
Brown C F	Glück	Lowman	Parker F B	Toombs
Brown G W	Goodspeed	Lupton	Parker J S	Travis
Burhyte	Graubard	MacGregor	Partridge	Voss
Callan	Gray	Manley	Perkins	Waddell
Caughlan	Green	Marks	Phillips C W	Walters
Cheney	Gunderman	Marlatt	Phillips J S	Ward
Clarke	Hammond	Martin	Reed	Waters
Colne	Hamm	McCue	Robinson	Weaver
Conklin	Hawley	McElligott	Rozan	Weber
Costello	Hemenway	McFarlane	Sargent	Weimert
Cuvillier	Herrick	McGrath	Schutta	Wende
De Groot	Hoey	McInerney	Scott	White L H
Draper	Howard	McKeon	Shea	Whitley
Duell	Jackson	McLaughlin	Sheridan	Whitney
Eagleton	Jordan	Mead	Silbermann	Williams
Edwards	Joseph	Merritt	Smith A E	Wood
Evans	Klein	Millen	Smith C	Yale
Farrar	Lachman	Miller J L	Smith F L	Young F L

Mr. Merritt moved that the House proceed with business during the pendency of the call.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. J. S. Phillips moved to take from the table his motion to reconsider the vote by which Assembly bill (No. 2312, Int. No. 1359), entitled "An act to amend the Election Law, in relation to the notice, time of holding, organization and conduct of primaries," was lost April 26th.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Said bill having been announced, Mr. J. S. Phillips moved to reconsider the vote by which said bill was lost.

Mr. Speaker put the question whether the House would agree to the reconsideration of the vote on the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 140

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Klein	Miller J L	Smith C
Barden	Filley	Lachman	Miller W G	Smith F L
Bates	Foley	Lanahan	Murphy C F	Spielberg
Baumann	Fowler	Lansing	Murphy F J	Staley
Baumes	Francis	Lazarus	Murray	Stein
Bennett	Frisbie	Lee	Neupert	Sullivan
Bohan	Garbe	Leffingwell	Nolan	Surpless
Boshart	Geoghegan	Levy A J	Odell	Thompson
Brady	Gillen	Levy J	Oliver	Thorn
Brown C F	Glore	Lewis	O'Neil	Todd
Brown G W	Glück	Lowe	Parker F B	Toombs
Burhyte	Goldberg	Lowman	Parker J S	Travis
Callan	Goodspeed	Lupton	Partridge	Voss
Caughlan	Graubard	MacGregor	Perkins	Waddell
Cheney	Gray	Manley	Phillips C W	Walters
Clarke	Green	Marks	Phillips J S	Ward
Colné	Gunderman	Marlatt	Reed	Waters
Conklin	Hackett	Martin	Robinson	Weaver
Costello	Hammond	McCue	Rozan	Weber
Cuvillier	Hamn	McElligott	Sanner	Weimert
De Groot	Hawley	McFarlane	Sargent	Wende
Donnelly	Hemenway	McGrath	Schmidt	White L H
Draper	Herrick	McInerney	Schutta	Whitley
Duell	Hoeey	McKeon	Scott	Whitney
Eagleton	Howard	McLaughlin	Shea	Williams
Edwards	Jackson	Mead	Sheridan	Wood
Evans	Jordan	Merritt	Silbermann	Yale
Farrar	Joseph	Millen	Smith A E	Young F L

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 78

NOES 62

Those who voted in the affirmative were:

Allen	Edwards	Lee	Nolan	Travis
Barden	Evans	Lowe	Parker F B	Voss
Bates	Farrar	Lowman	Parker J S	Waddell
Baumes	Fellows	Marks	Phillips C W	Walters
Brady	Filley	Marlatt	Phillips J S	Waters
Brown C F	Fowler	Martin	Reed	Weaver
Brown G W	Glore	McFarlane	Robinson	Weber
Burhyte	Goodspeed	McInerney	Sargent	Whitley
Callan	Green	McLaughlin	Scott	Whitney
Cheney	Gunderman	Merritt	Shea	Williams
Clarke	Hammond	Millen	Smith F L	Wood
Colné	Hamm	Miller J L	Staley	Yale
Conklin	Hemenway	Miller W G	Sullivan	Young E
De Groot	Lachman	Murphy C F	Surpless	Young F L
Draper	Lansing	Murphy F J	Thompson	Speaker
Duell	Lazarus	Murray		

Those who voted in the negative were:

Baumann	Garbe	Joseph	Mead	Smith A E
Bennett	Geoghegan	Klein	Neupert	Smith C
Bohan	Glück	Lanahan	Odell	Spielberg
Boshart	Goldberg	Leffingwell	Oliver	Stein
Caughlan	Graubard	Levy A J	O'Neil	Stern
Costello	Gray	Levy J	Partridge	Thorn
Cuvillier	Hackett	Lewis	Perkins	Todd
Donnelly	Hawley	Lupton	Rozan	Toombs
Eagleton	Herrick	MacGregor	Sanner	Ward
Fay	Hoey	Manley	Schmidt	Weimert
Foley	Howard	McCue	Schutta	Wende
Francis	Jackson	McElligott	Sheridan	White L H
Frisbie	Jordan			

Ordered, That the Clerk engross said bill and deliver the same to the Senate and request their concurrence therein.

Mr. McInerney moved to take from the table his motion to reconsider the vote by which Senate bill (No. 662, Rec. No. 75), entitled "An act to amend the Code of Civil Procedure, in relation to removal of tenant," was lost April 20th.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Said bill having been announced, Mr. McInerney moved to reconsider the vote by which said bill was lost.



Mr. Speaker put the question whether the House would agree to the reconsideration of the vote on the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 142

NOES 00

Those who voted in the affirmative were:

Allen	Filley	Lanahan	Murphy C F	Spielberg
Barden	Foley	Lansing	Murphy F J	Staley
Bates	Fowler	Lazarus	Murray	Stein
Baumann	Francis	Lee	Neupert	Stern
Baumes	Frisbie	Leffingwell	Nolan	Sullivan
Bennett	Garbe	Levy A J	Odell	Surplless
Bohan	Geoghegan	Levy J	Oliver	Thompson
Boshart	Gillen	Lewis	O'Neil	Thorn
Brady	Glore	Lowe	Parker F B	Todd
Brown C F	Glück	Lowman	Parker J S	Toombs
Brown G W	Goldberg	Lupton	Partridge	Travis
Burhyte	Goodspeed	MacGregor	Perkins	Voss
Callan	Graubard	Manley	Phillips C W	Waddell
Caughlan	Gray	Marks	Phillips J S	Walters
Cheney	Green	Marlatt	Reed	Ward
Clarke	Gunderman	Martin	Robinson	Waters
Colne	Hackett	McCue	Rozan	Weaver
Conklin	Hammond	McElligott	Sanner	Weber
Costello	Hamn	McFarlane	Sargent	Weimert
Cuvillier	Hawley	McGrath	Schmidt	Wende
De Groot	Hemenway	McInerney	Schutta	White L H
Donnelly	Herrick	McKeon	Scott	Whitley
Draper	Hoey	McLaughlin	Shea	Whitney
Duell	Howard	Mead	Sheridan	Williams
Eagleton	Jackson	Merritt	Silbermann	Wood
Edwards	Jordan	Millen	Smith A E	Yale
Evans	Joseph	Miller J L	Smith C	Young E
Farrar	Klein	Miller W G	Smith F L	Young F L
Fay	Lachman			

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 80

NOES 41

Those who voted in the affirmative were:

Barden	Eagleton	Herrick	McInerney	Sheridan
Baumes	Fay	Hoey	McKeon	Smith A E
Bennett	Filley	Klein	Murphy C F	Thorn
Bohan	Foley	Lanahan	Murphy F J	Todd
Brady	Fowler	Lansing	Murray	Toombs
Brown G W	Francis	Lazarus	Neupert	Travis

Caughlan	Garbe	Lee	Odell	Waters
Cheney	Geoghegan	Leffingwell	O'Neil	Weaver
Clarke	Glore	Lowe	Parker J S	Weber
Colne	Glück	Lupton	Reed	Weimert
Conklin	Goldberg	MacGregor	Rozan	Wende
Costello	Goodspeed	Manley	Sanner	Whitley
Cuvillier	Graubard	Marks	Sargent	Whitney
De Groot	Green	Marlatt	Schmidt	Williams
Donnelly	Gunderman	McCue	Schutta	Wood
Draper	Hawley	McFarlane	Shea	Yale

Those who voted in the negative were:

Baumann	Howard	McLaughlin	Partridge	Spielberg
Burhyte	Jackson	Mead	Perkins	Staley
Duell	Jordan	Merritt	Phillips C W	Surpluss
Edwards	Levy A J	Millen	Phillips J S	Thompson
Evans	Lewis	Miller J L	Robinson	Waddell
Farrar	Lowman	Miller W G	Scott	Walters
Hammond	Martin	Nolan	Smith C	Ward
Hamn	McElligott	Parker F B	Smith F L	Young F L
Hemenway				

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

On motion of Mr. Lanahan, the committee on rules was instructed to report Assembly bill (No. 2309, Int. No. 1721), entitled "An act to confirm and validate certain taxes heretofore levied or attempted to be levied in that portion of the city of New York formerly constituting certain towns and villages in the county of Richmond, and in relation to the payment of the principal and interest thereof and as to the lien created thereby, and the publication of notice in connection therewith," with the following amendments:

On page 3, line 9, before the word "said" insert the words "the tax lien affecting".

On page 3, line 10, after the word "all" insert the words "the tax lien affecting".

Mr. Speaker, from the committee on rules, reported said bill amended as directed.

On motion of Mr. Lanahan, said bill was ordered reprinted, as amended, and recommitted to said committee.

#### TWELVE O'CLOCK M.

The hour of twelve o'clock now having arrived, Mr. Speaker announced that pursuant to law and agreeable to a joint resolution of the Senate and Assembly, the Assembly would now proceed

to nominate a candidate for the office of Regent of the University to fill the unexpired term of Charles A. Gardner, deceased, whose term of office expires on the 31st day of March, 1910.

Whereupon, in open session, each member, as his name was called by the Clerk, rose in his place and by viva voce vote named the following for Regent of the University in place of Charles A. Gardner, deceased.

### FOR CHESTER S. LORD.

Barden	Fellows	Lachman	Miller W G	Staley
Bates	Filley	Lanahan	Murphy C F	Stein
Baumann	Foley	Lansing	Murphy F J	Stern
Baumes	Fowler	Lazarus	Murray	Sullivan
Bennett	Francis	Lee	Neupert	Surplless
Bohan	Frisbie	Leffingwell	Nolan	Thompson
Boshart	Garbe	Levy A J	Odell	Thorn
Brady	Geoghegan	Levy J	Oliver	Todd
Brown C F	Glore	Lewis	O'Neil	Toombe
Brown G W	Glück	Lowe	Parker F B	Travis
Burhyte	Goldberg	Lowman	Parker J S	Voss
Callan	Goodspeed	Lupton	Partridge	Waddell
Caughlan	Graubard	MacGregor	Perkins	Walters
Cheney	Gray	Manley	Phillips C W	Ward
Clarke	Green	Marks	Phillips J S	Waters
Colné	Gunderman	Marlatt	Reed	Weaver
Conklin	Hackett	Martin	Robinson	Weber
Costello	Hammond	McCue	Rozan	Weimert
Cuvillier	Hamm	McElligott	Sanner	Wende
De Groot	Hawley	McFarlane	Sargent	White L H
Donnelly	Hemenway	McGrath	Schmidt	Whitley
Draper	Herrick	McInerney	Schutta	Whitney
Duell	Hoey	McKeon	Scott	Williams
Eagleton	Howard	McLaughlin	Shea	Wood
Edwards	Jackson	Mead	Sheridan	Yale
Evans	Jordan	Merritt	Smith A E	Young E
Farrar	Joseph	Millen	Smith C	Young F L
Fay	Klein	Miller J L	Smith F L	Speaker

Whole number of votes 140; of which Chester S. Lord received 140.

A quorum of all the members elected to the Assembly having voted, and the majority having named Chester S. Lord as their choice, Mr. Speaker declared that Chester S. Lord of the borough of Brooklyn, city of New York, had been duly elected on the part of the Assembly as a candidate for the office of Regent of the University to fill the unexpired term of Charles A. Gardner, deceased, whose term of office expires on the 31st day of March, 1910.

Mr. Sargent offered for the consideration of the House a resolution, in the words following:



Resolved, That the brass band of the Brooklyn Hebrew Orphan Asylum of the borough of Brooklyn, city of New York, be invited to be present and play upon the day of adjournment, sine die, of the Assembly, and that the expense of the said band for transportation and meals, not to exceed the sum of \$300, be paid from the appropriation for the contingent expenses of the Legislature.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 140

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Klein	Miller J L	Smith F L
Barden	Filley	Lachman	Miller W G	Spielberg
Bates	Foley	Lanahan	Murphy C F	Staley
Baumann	Fowler	Lansing	Murphy F J	Stein
Baumes	Francis	Lazarus	Murray	Stern
Bennett	Frisbie	Lee	Neupert	Sullivan
Bohan	Garbe	Leffingwell	Nolan	Surpress
Boshart	Geoghegan	Levy A J	Odell	Thompson
Brady	Gillen	Levy J	Oliver	Thorn
Brown C F	Glore	Lewis	O'Neil	Todd
Brown G W	Gluck	Lowe	Parker F B	Toombs
Burhyte	Goldberg	Lowman	Parker J S	Travis
Callan	Goodspeed	Lupton	Partridge	Voss
Caughlan	Graubard	MacGregor	Perkins	Waddell
Cheney	Gray	Manley	Phillips C W	Walters
Clarke	Green	Marks	Phillips J S	Ward
Colne	Gunderman	Marlatt	Reed	Waters
Conklin	Hackett	Martin	Robinson	Weaver
Costello	Hammond	McCue	Rozan	Weber
Cuvillier	Hann	McElligott	Sargent	Weimert
De Groot	Hawley	McFarlane	Schmidt	Wende
Donnelly	Hemenway	McGrath	Schutta	White L H
Draper	Herrick	McInerney	Scott	Whitley
Duell	Hoeey	McKeon	Shea	Whitney
Eagleton	Howard	McLaughlin	Sheridan	Williams
Edwards	Jackson	Mead	Silbermann	Wood
Evans	Jordan	Merritt	Smith A E	Yale
Farrar	Joseph	Millen	Smith C	Young F L

Mr. Speaker announced the special order, being the bill (No. 2362) entitled "An act to amend the State Printing Law, generally." (Int. No. 1460.)

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 140

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Klein	Miller J L	Smith F L
Barden	Filley	Lachman	Miller W G	Spielberg
Bates	Foley	Lanahan	Murphy C F	Staley
Baumann	Fowler	Lansing	Murphy F J	Stein
Baumes	Francis	Lazarus	Murray	Stern
Bennett	Frisbie	Lee	Neupert	Sullivan
Bohan	Garbe	Leffingwell	Nolan	Surpless
Boshart	Geoghegan	Levy A J	Odell	Thompson
Brady	Gillen	Levy J	Oliver	Thorn
Brown C F	Glore	Lewis	O'Neil	Todd
Brown G W	Gluck	Lowe	Parker F B	Toombs
Burhyte	Goldberg	Lowman	Parker J S	Travis
Callan	Goodspeed	Lupton	Partridge	Voss
Caughlan	Graubard	MacGregor	Perkins	Waddell
Cheney	Gray	Manley	Phillips C W	Walters
Clarke	Green	Marks	Phillips J S	Ward
Colné	Gunderman	Marlatt	Reed	Waters
Conklin	Hackett	Martin	Robinson	Weaver
Costello	Hammond	McCue	Rozan	Weber
Cuvillier	Hamm	McElligott	Sargent	Weimert
De Groot	Hawley	McFarlane	Schmidt	Wende
Donnelly	Hemenway	McGrath	Schutta	White L E
Draper	Herrick	McInerney	Scott	Whitley
Duell	Hoey	McKeon	Shea	Whitney
Eagleton	Howard	McLaughlin	Sheridan	Williams
Edwards	Jackson	Mead	Silbermann	Wood
Evans	Jordan	Merritt	Smith A E	Yale
Farrar	Joseph	Millen	Smith C	Young F L

Ordered, That the Clerk engross said bill and deliver the same to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 2358) entitled "An act to amend the County Law, in relation to the office of county comptroller." (Int. No. 1699.)

Said bill was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 133

NOES 00

Those who voted in the affirmative were:

Allen	Filley	Lansing	Murphy C F	Spielberg
Barden	Foley	Lazarus	Murphy F J	Staley
Bates	Fowler	Lee	Murray	Stein
Baumann	Francis	Leffingwell	Neupert	Sullivan
Baumes	Frisbie	Levy A J	Nolan	Surpless
Bennett	Garbe	Levy J	Odell	Thompson
Boshart	Geoghegan	Lewis	Oliver	Thorn
Brady	Glore	Lowe	O'Neil	Todd
Brown G W	Glück	Lowman	Parker F B	Toombs
Burhyte	Goodspeed	Lupton	Parker J S	Travis
Callan	Graubard	MacGregor	Partridge	Voss
Caughlan	Gray	Manley	Perkins	Waddell
Cheney	Green	Marks	Phillips C W	Walters
Clarke	Gunderman	Marlatt	Phillips J S	Ward
Colné	Hammond	Martin	Reed	Waters
Conklin	Hamn	McCue	Robinson	Weaver
Costello	Hawley	McElligott	Rozan	Weber
Cuvillier	Hemenway	McFarlane	Sargent	Weimert
De Groot	Herrick	McGrath	Schmidt	Wende
Donnelly	Hoey	McInerney	Schutta	White L H
Draper	Howard	McKeon	Scott	Whitley
Duell	Jackson	McLaughlin	Sheridan	Whitney
Eagleton	Jordan	Mead	Silbermann	Williams
Edwards	Joseph	Merritt	Smith A E	Wood
Evans	Klein	Millen	Smith C	Yale
Farrar	Lachman	Miller J L	Smith F L	Young F L
Fay	Lanahan	Miller W G		

Ordered, That the Clerk engross said bill and deliver the same to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the Senate bill (No. 931) entitled "An act authorizing an inquiry into the question as to providing terminal facilities on the canals of this State, with a view of ultimately improving and fostering the commerce of the State, and making an appropriation therefor." (Rec. No. 140.)

Said bill having been announced for a second reading,

On motion of Mr. MacGregor, and by unanimous consent, said bill was ordered placed on the second and third reading calendar for Wednesday next.

Mr. Speaker announced the special order, being the Senate bill (No. 1007, Assembly reprint No. 2302) entitled "An act to amend chapter one hundred and five of the Laws of eighteen hundred and ninety-one, entitled 'An act to revise the charter of the city of Buffalo,' in relation to permits to carry pistols, and in relation to the police pension fund." (Rec. No. 210.)



On motion of Mr. MacGregor, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 140

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Klein	Miller J L	Smith F L
Barden	Filley	Lachman	Miller W G	Spiegelberg
Bates	Foley	Lanahan	Murphy C F	Staley
Baumann	Fowler	Lansing	Murphy F J	Stein
Baumes	Francis	Lazarus	Murray	Stern
Bennett	Frisbie	Lee	Neupert	Sullivan
Bohan	Garbe	Leffingwell	Nolan	Surpless
Boshart	Geoghegan	Levy A J	Odell	Thompson
Brady	Gillen	Levy J	Oliver	Thorn
Brown C F	Glore	Lewis	O'Neil	Todd
Brown G W	Glück	Lowe	Parker F B	Toombs
Burhyte	Goldberg	Lowman	Parker J S	Travis
Callan	Goodspeed	Lupton	Partridge	Voss
Caughlan	Graubard	MacGregor	Perkins	Waddell
Cheney	Gray	Manley	Phillips C W	Walters
Clarke	Green	Marks	Phillips J S	Ward
Colné	Gunderman	Marlatt	Reed	Waters
Conklin	Hackett	Martin	Robinson	Weaver
Costello	Hammond	McCue	Rozan	Weber
Cuvillier	Hamn	McElligott	Sargent	Weimert
De Groot	Hawley	McFarlane	Schmidt	Wende
Donnelly	Hemenway	McGrath	Schutta	White E R
Draper	Herrick	McInerney	Scott	Whitley
Duell	Hoey	McKeon	Shea	Whitney
Eagleton	Howard	McLaughlin	Sheridan	Williams
Edwards	Jackson	Mead	Silbermann	Wood
Evans	Jordan	Merritt	Smith A E	Yale
Farrar	Joseph	Millen	Smith C	Young F L

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same, with amendments.

Mr. Speaker announced the special order, being the Senate bill (No. 915) entitled "An act to amend section twenty-seven of chapter twenty-two of the Laws of nineteen hundred and nine, entitled 'An act in relation to the elections, constituting chapter

seventeen of the Consolidated Laws,' relating to primary elections." (Rec. No. 139.)

On motion of Mr. Weimert, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 140

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Klein	Miller J L	Smith F L
Barden	Filley	Lachman	Miller W G	Spielberg
Bates	Foley	Lanahan	Murphy C F	Staley
Baumann	Fowler	Lansing	Murphy F J	Stein
Baumes	Francis	Lazarus	Murray	Stern
Bennett	Frisbie	Lee	Neupert	Sullivan
Bohan	Garbe	Leffingwell	Nolan	Surpluss
Boshart	Geoghegan	Levy A J	Odell	Thompson
Brady	Gillen	Levy J	Oliver	Thorn
Brown C F	Glore	Lewis	O'Neil	Todd
Brown G W	Glück	Lowe	Parker F B	Toombs
Burhyte	Goldberg	Lowman	Parker J S	Travis
Callan	Goodspeed	Lupton	Partridge	Voss
Caughlan	Graubard	MacGregor	Perkins	Waddell
Cheney	Gray	Manley	Phillips C W	Walters
Clarke	Green	Marks	Phillips J S	Ward
Colné	Gunderman	Marlatt	Reed	Waters
Conklin	Hackett	Martin	Robinson	Weaver
Costello	Hammond	McCue	Rozan	Weber
Cuvillier	Hamn	McElligott	Sargent	Weimert
De Groot	Hawley	McFarlane	Schmidt	Wende
Donnelly	Hemenway	McGrath	Schutta	White L H
Draper	Herrick	McInerney	Scott	Whitley
Duell	Hoey	McKeon	Shea	Whitney
Eagleton	Howard	McLaughlin	Sheridan	Williams
Edwards	Jackson	Mead	Silbermann	Wood
Evans	Jordan	Merritt	Smith A E	Yale
Farrar	Joseph	Millen	Smith C	Young F L

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 924) entitled "An act to amend the Code of Civil Procedure, relative to motions upon pleadings." (Rec. No. 154.)

Said bill having been announced for a second reading,

On motion of Mr. Merritt, and by unanimous consent, said bill was ordered placed on the second and third reading calendar for Wednesday next.

Mr. Speaker announced the special order, being Senate bill (No. 199) entitled "An act to amend the Code of Civil Procedure, as to proceedings after trial of a demurrer." (Rec. No. 153.)

Said bill having been announced for a second reading,

On motion of Mr. Merritt, and by unanimous consent, said bill was ordered placed on the second and third reading calendar for Wednesday next.

Mr. Speaker announced the special order, being the Senate bill (No. 1079) entitled "An act to amend the Code of Civil Procedure, in relation to appeals to the Court of Appeals." (Rec. No. 214.)

Said bill having been announced for a second reading,

On motion of Mr. Merritt, and by unanimous consent, said bill was ordered placed on the second and third reading calendar for Wednesday next.

Mr. Speaker announced the special order, being the Senate bill (No. 806, Assembly reprint No. 2357) entitled "An act to permit life insurance companies to issue policies of insurance and annuities with special rates of premiums to labor unions and other organizations." (Rec. No. 170.)

On motion of Mr. Hamn, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 133

NOES 00

Those who voted in the affirmative were:

Allen	Filley	Lansing	Murphy C F	Spielberg
Barden	Foley	Lazarus	Murphy F J	Staley
Bates	Fowler	Lee	Murray	Stein
Baumann	Francis	Leffingwell	Neupert	Sullivan



Baumes	Frisbie	Levy A J	Nolan	Surpless
Bennett	Garbe	Levy J	Odell	Thompson
Boshart	Geoghegan	Lewis	Oliver	Thorn
Brady	Glore	Lowe	O'Neil	Todd
Brown G W	Glück	Lowman	Parker F B	Toombs
Burhyte	Goodspeed	Lupton	Parker J S	Travis
Callan	Graubard	MacGregor	Partridge	Voss
Caughlan	Gray	Manley	Perkins	Waddell
Cheney	Green	Marks	Phillips C W	Walters
Clarke	Gunderman	Marlatt	Phillips J S	Ward
Colné	Hammond	Martin	Reed	Waters
Conklin	Hamn	McCue	Robinson	Weaver
Costello	Hawley	McElligott	Rozan	Weber
Cuvillier	Hemenway	McFarlane	Sargent	Weimert
De Groot	Herrick	McGrath	Schmidt	Wende
Donnelly	Hoey	McInerney	Schutta	White E H
Draper	Howard	McKeon	Scott	Whitley
Duell	Jackson	McLaughlin	Sheridan	Whitney
Eagleton	Jordan	Mead	Silbermann	Williams
Edwards	Joseph	Merritt	Smith A E	Wood
Evans	Klein	Millen	Smith C	Yale
Farrar	Lachman	Miller J L	Smith F L	Young F L
Fay	Lanahan	Miller W G		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same, with amendments.

Mr. Speaker announced the special order, being the Senate bill (No. 1396) entitled "An act to make the office of sheriff of the county of Queens a salaried office, and regulating the management of said office." (Rec. No. 290.)

On motion of Mr. De Groot, said bill was read the second time and order to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 139

NOES 00

Those who voted in the affirmative were:

Allen	Filley	Lachman	Miller W G	Spielberg
Barden	Foley	Lanahan	Murphy C F	Staley
Bates	Fowler	Lansing	Murphy F J	Stein
Baumann	Francis	Lazarus	Murray	Stern
Baumes	Frisbie	Lee	Neupert	Sullivan

Bennett	Garbe	Leffingwell	Nolan	Surpleas
Bohan	Geoghegan	Levy A J	Odell	Thompson
Boshart	Gillen	Levy J	Oliver	Thorn
Brady	Glore	Lewis	O'Neil	Todd
Brown G W	Glück	Lowe	Parker F B	Toombs
Burhyte	Goldberg	Lowman	Parker J S	Travis
Callan	Goodspeed	Lupton	Partridge	Voss
Caughlan	Graubard	MacGregor	Perkins	Waddell
Cheney	Gray	Manley	Phillips C W	Walters
Clarke	Green	Marks	Phillips J S	Ward
Colné	Gunderman	Marlatt	Reed	Waters
Conklin	Hackett	Martin	Robinson	Weaver
Costello	Hammond	McCue	Rozan	Weber
Cuvillier	Hamn	McElligott	Sargent	Weimert
De Groot	Hawley	McFarlane	Schmidt	Wende
Donnelly	Hemenway	McGrath	Schutta	White L H
Draper	Herrick	McInerney	Scott	Whitley
Duell	Hoeys	McKeon	Shea	Whitney
Eagleton	Howard	McLaughlin	Sheridan	Williams
Edwards	Jackson	Mead	Silbermann	Wood
Evans	Jordan	Merritt	Smith A E	Yale
Farrar	Joseph	Millen	Smith C	Young F L
Fay	Klein	Miller J L	Smith F L	

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1390) entitled "An act to allow the city of New York to deed certain land and acquire the title to certain other land in DeBevoise avenue, in the borough of Queens." (Rec. No. 281.)

On motion of Mr. De Groot, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 139

NOES 00

Those who voted in the affirmative were:

Allen	Filley	Lachman	Miller W G	Spielberg
Barden	Foley	Lanahan	Murphy C F	Staley
Bates	Fowler	Lansing	Murphy F J	Stein
Baumann	Francis	Lazarus	Murray	Stern
Baumes	Frisbie	Lee	Neupert	Sullivan
Bennett	Garbe	Leffingwell	Nolan	Surpleas

Bohan	Geoghegan	Levy A J	Odell	Thompson
Boshart	Gillen	Levy J	Oliver	Thorn
Brady	Glore	Lewis	O'Neil	Todd
Brown G W	Glück	Lowe	Parker F B	Toombs
Burhyte	Goldberg	Lowman	Parker J S	Travis
Callan	Goodspeed	Lupton	Partridge	Voss
Caughlan	Graubard	MacGregor	Perkins	Waddell
Cheney	Gray	Manley	Phillips C W	Walters
Clarke	Green	Marks	Phillips J S	Ward
Colné	Gunderman	Marlatt	Reed	Waters
Conklin	Hackett	Martin	Robinson	Weaver
Costello	Hammond	McCue	Rozan	Weber
Cuvillier	Hamn	McElligott	Sargent	Weimert
De Groot	Hawley	McFarlane	Schmidt	Wende
Donnelly	Hemenway	McGrath	Schutta	White L H
Draper	Herrick	McInerney	Scott	Whitley
Duell	Hoey	McKeon	Shea	Whitney
Eagleton	Howard	McLaughlin	Sheridan	Williams
Edwards	Jackson	Mead	Silbermann	Wood
Evans	Jordan	Merritt	Smith A E	Yale
Farrar	Joseph	Millen	Smith C	Young F L
Fay	Klein	Miller J L	Smith F L	

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the bill (No. 2195) entitled "An act to amend the Code of Civil Procedure, in relation to proofs upon which to found service of summons by publication." (Int. No. 1658.)

On motion of Mr. C. F. Murphy, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 132

NOES 7

Those who voted in the affirmative were:

Allen	Filley	Lanahan	Miller W G	Spielberg
Barden	Foley	Lansing	Murphy C F	Staley
Bates	Francis	Lazarus	Murphy F J	Stein
Baumann	Frisbie	Lee	Neupert	Stern
Baumes	Garbe	Leffingwell	Nolan	Sullivan
Bennett	Geoghegan	Levy J	Odell	Surpless



Bohan	Gillen	Lewis	Oliver	Thompson
Boshart	Glore	Lowe	O'Neil	Thorn
Brady	Glück	Lowman	Parker F B	Todd
Brown G W	Goldberg	Lupton	Parker J S	Toombs
Burhyte	Goodspeed	MacGregor	Partridge	Travis
Callan	Graubard	Manley	Phillips C W	Voss
Caughlan	Gray	Marks	Phillips J S	Waddell
Cheney	Green	Marlatt	Reed	Walters
Clarke	Gunderman	Martin	Robinson	Ward
Colné	Hackett	McCue	Rozan	Waters
Conklin	Hammond	McElligott	Sargent	Weaver
Costello	Hamn	McFarlane	Schmidt	Weber
Cuvillier	Hawley	McGrath	Schutta	Wende
De Groot	Hemenway	McInerney	Scott	White L H
Donnelly	Herrick	McKeon	Shea	Whitley
Draper	Hoey	McLaughlin	Sheridan	Whitney
Eagleton	Jackson	Mead	Silbermann	Williams
Edwards	Jordan	Merritt	Smith A E	Wood
Evans	Joseph	Millen	Smith C	Yale
Farrar	Kleir	Miller J L	Smith F L	Young F L
Fay	Lachman			

Those who voted in the negative were:

Duell	Howard	Murray	Perkins	Weimert
Fowler	Levy A J			

Ordered, That the Clerk engross said bill and deliver the same to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 2342) entitled "An act authorizing the Temple Israel of Harlem, a religious corporation, to increase the number of its trustees from nine to any number not exceeding fifteen." (Int. No. 1738.)

On motion of Mr. Marks, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 139

NOES 00

Those who voted in the affirmative were:

Allen	Filley	Lachman	Miller W G	Spielberg
Barden	Foley	Lanahan	Murphy C F	Staley
Bates	Fowler	Lansing	Murphy F J	Stein
Baumann	Francis	Lazarus	Murray	Stern
Baumes	Frisbie	Lee	Neupert	Sullivan

Bennett	Garbe	Leffingwell	Nolan	Surpless
Bohan	Geoghegan	Levy A J	Odell	Thompson
Boshart	Gillen	Levy J	Oliver	Thorn
Brady	Glore	Lewis	O'Neil	Todd
Brown G W	Glück	Lowe	Parker F B	Toombs
Burhyte	Goldberg	Lowman	Parker J S	Travis
Callan	Goodspeed	Lupton	Partridge	Voss
Caughlan	Graubard	MacGregor	Perkins	Waddell
Cheney	Gray	Manley	Phillips C W	Walters
Clarke	Green	Marks	Phillips J S	Ward
Colné	Gunderman	Marlatt	Reed	Waters
Conklin	Hackett	Martin	Robinson	Weaver
Costello	Hammond	McCue	Rozan	Weber
Cuvillier	Hamm	McElligott	Sargent	Weimert
De Groot	Hawley	McFarlane	Schmidt	Wende
Donnelly	Hemenway	McGrath	Schutta	White L H
Draper	Herrick	McInerney	Scott	Whitley
Duell	Hoey	McKeon	Shea	Whitney
Eagleton	Howard	McLaughlin	Sheridan	Williams
Edwards	Jackson	Mead	Silbermann	Wood
Evans	Jordan	Merritt	Smith A E	Yale
Farrar	Joseph	Millen	Smith C	Young F L
Fay	Klein	Miller J L	Smith F L	

Ordered, That the Clerk engross said bill and deliver the same to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 2351) entitled "An act to amend the Public Health Law, in relation to the application of certain provisions to the village of Saranac Lake and the town and village of Liberty, in the county of Sullivan." (Int. No. 1747.)

On motion of Mr. Millen, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 139

NOES 00

Those who voted in the affirmative were:

Allen	Filley	Lachman	Miller W G	Spielberg
Barden	Foley	Lanshan	Murphy C F	Staley
Bates	Fowler	Lansing	Murphy F J	Stein
Baumann	Francis	Lazarus	Murray	Stern
Baumes	Frisbie	Lee	Neupert	Sullivan
Bennett	Garbe	Leffingwell	Nolan	Surpless

Bohan	Geoghegan	Levy A J	Odell	Thompson
Boshart	Gillen	Levy J	Oliver	Thorn
Brady	Glore	Lewis	O'Neil	Todd
Brown G W	Glück	Lowe	Parker F B	Toombs
Burhyte	Goldberg	Lowman	Parker J S	Travis
Callan	Goodspeed	Lupton	Partridge	Voss
Caughlan	Graubard	MacGregor	Perkins	Waddell
Cheney	Gray	Manley	Phillips C W	Walters
Clarke	Green	Marks	Phillips J S	Ward
Colne	Gunderman	Marlatt	Reed	Waters
Conklin	Hackett	Martin	Robinson	Weaver
Costello	Hammond	McCue	Rozan	Weber
Cuvillier	Hamm	McElligott	Sargent	Weimert
De Groot	Hawley	McFarlane	Schmidt	Wende
Donnelly	Hemenway	McGrath	Schutta	White L H
Draper	Herrick	McInerney	Scott	Whitley
Duell	Hoey	McKeon	Shea	Whitney
Eagleton	Howard	McLaughlin	Sheridan	Williams
Edwards	Jackson	Mead	Silbermann	Wood
Evans	Jordan	Merritt	Smith A E	Yale
Farrar	Joseph	Millen	Smith C	Young F L
Fay	Klein	Miller J L	Smith F L	

Ordered, That the Clerk engross said bill and deliver the same to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 441) entitled "An act to amend the Forest, Fish and Game Law, in relation to the season for hares and rabbits in Sullivan county." (Int. No. 425.)

On motion of Mr. Millen, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 139

NOES 00

Those who voted in the affirmative were:

Allen	Filley	Lachman	Miller W G	Spielberg
Barden	Foley	Lanahan	Murphy C F	Staley
Bates	Fowler	Lansing	Murphy F J	Stein
Baumann	Francis	Lazarus	Murray	Stern
Baumes	Frisbie	Lee	Neupert	Sullivan
Bennett	Garbe	Leffingwell	Nolan	Surpluss
Bohan	Geoghegan	Levy A J	Odell	Thompson
Boshart	Gillen	Levy J	Oliver	Thorn
Brady	Glore	Lewis	O'Neil	Todd



Brown G W	Glück	Lowe	Parker F B	Toombs
Burhyte	Goldberg	Lowman	Parker J S	Travis
Callan	Goodspeed	Lupton	Partridge	Voss
Caughlan	Graubard	MacGregor	Perkins	Waddell
Cheney	Gray	Manley	Phillips C W	Walters
Clarke	Green	Marks	Phillips J S	Ward
Colné	Gunderman	Marlatt	Reed	Waters
Conklin	Hackett	Martin	Robinson	Weaver
Costello	Hammond	McCue	Rozan	Weber
Cuvillier	Hamn	McElligott	Sargent	Weimert
De Groot	Hawley	McFarlane	Schmidt	Wende
Donnelly	Hemenway	McGrath	Schutta	White L H
Draper	Herrick	McInerney	Scott	Whitley
Duell	Hoey	McKeon	Shea	Whitney
Eagleton	Howard	McLaughlin	Sheridan	Williams
Edwards	Jackson	Mead	Silbermann	Wood
Evans	Jordan	Merritt	Smith A E	Yale
Farrar	Joseph	Millen	Smith C	Young F L
Fay	Klein	Miller J L	Smith F L	

Ordered, That the Clerk engross said bill and deliver the same to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 2314) entitled "An act to amend the Membership Corporations Law, in relation to formation of proprietor's corporations." (Int. No. 1678.)

On motion of Mr. C. F. Murphy, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 139

NOES 00

Those who voted in the affirmative were:

Allen	Filley	Lachman	Miller W G	Spielberg
Barden	Foley	Lanahan	Murphy C F	Staley
Bates	Fowler	Lansing	Murphy F J	Stein
Baumönn	Francis	Lazarus	Murray	Stern
Baumes	Frisbie	Lee	Neupert	Sullivan
Bennett	Garbe	Leffingwell	Nolan	Surpluss
Bohan	Geoghegan	Levy A J	Odell	Thompson
Boshart	Gillen	Levy J	Oliver	Thorn
Brady	Glore	Lewis	O'Neil	Todd
Brown G W	Glück	Lowe	Parker F B	Toombs
Burhyte	Goldberg	Lowman	Parker J S	Travis
Callan	Goodspeed	Lupton	Partridge	Voss

Caughlan	Graubard	MacGregor	Perkins	Waddell
Cheney	Gray	Manley	Phillips C W	Walters
Clarke	Green	Marks	Phillips J S	Ward
Colné	Gunderman	Marlett	Reed	Waters
Conklin	Hackett	Martin	Robinson	Weaver
Costello	Hammond	McCue	Rozan	Weber
Cuvillier	Hamn	McElligott	Sargent	Weimert
De Groot	Hawley	McFarlane	Schmidt	Wende
Donnelly	Hemenway	McGrath	Schutta	White L H
Draper	Herrick	McInerney	Scott	Whitley
Duell	Hoey	McKeon	Shea	Whitney
Eagleton	Howard	McLaughlin	Sheridan	Williams
Edwards	Jackson	Mead	Silbermann	Wood
Evans	Jordan	Merritt	Smith A E	Yale
Farrar	Joseph	Millen	Smith C	Young F L
Fay	Klein	Miller J L	Smith F L	

Ordered, That the Clerk engross said bill and deliver the same to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 2352) entitled "An act to amend the Forest, Fish and Game Law, in relation to spearing in the Delaware river, in the town of Middleton, Delaware county." (Int. No. 1748.)

On motion of Mr. Williams, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 139

NOES 00

Those who voted in the affirmative were:

Allen	Filley	Lachman	Miller W G	Spielberg
Barden	Foley	Lanahan	Murphy C F	Staley
Bates	Fowler	Lansing	Murphy F J	Stein
Baumann	Francis	Lazarus	Murray	Stern
Baumes	Frisbie	Lee	Neupert	Sullivan
Bennett	Garbe	Leffingwell	Nolan	Surpless
Bohan	Geoghegan	Levy A J	Odell	Thompson
Boshart	Gillen	Levy J	Oliver	Thorn
Brady	Glore	Lewis	O'Neil	Todd
Brown G W	Glück	Lowe	Parker F B	Toombs
Burhyte	Goldberg	Lowman	Parker J S	Travis
Callan	Goodspeed	Lupton	Partridge	Voss
Caughlan	Graubard	MacGregor	Perkins	Waddell
Cheney	Gray	Manley	Phillips C W	Walters
Clarke	Green	Marks	Phillips J S	Ward

Colné	Gunderman	Marlatt	Reed	Waters
Conklin	Hackett	Martin	Robinson	Weaver
Costello	Hammond	McCue	Rozan	Weber
Cuvillier	Hamn	McElligott	Sargent	Weimet
De Groot	Hawley	McFarlane	Schmidt	Wende
Donnelly	Hemenway	McGrath	Schutta	White L H
Draper	Herrick	McInerney	Scott	Whitley
Duell	Hoey	McKeon	Shea	Whitney
Eagleton	Howard	McLaughlin	Sheridan	Williams
Edwards	Jackson	Mead	Silbermann	Wood
Evans	Jordan	Merritt	Smith A E	Yale
Farrar	Joseph	Millen	Smith C	Young F L
Fay	Klein	Miller J L	Smith F L	

Ordered, That the Clerk engross said bill and deliver the same to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 2361) entitled "An act to amend chapter forty-seven of the Laws of nineteen hundred and nine, entitled 'An act relating to prisons, constituting chapter forty-three of the Consolidated Laws,' relative to making the definite terms of a certain class of prisoners indeterminate terms." (Int. No. 1679.)

On motion of Mr. Thorn, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 134

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Lanahan	Miller W G	Spielberg
Barden	Filley	Lansing	Murphy C F	Staley
Bates	Foley	Lazarus	Murphy F J	Stein
Baumann	Fowler	Lee	Murray	Sullivan
Baumes	Francis	Leffingwell	Neupert	Surpless
Bennett	Frisbie	Levy A J	Nolan	Thompson
Bohan	Garbe	Levy J	Odell	Thorn
Boshart	Geoghegan	Lewis	Oliver	Todd
Brady	Glore	Lowe	O'Neil	Toombs
Brown G W	Glück	Lowman	Parker F B	Travis
Burhyte	Goodspeed	Lupton	Parker J S	Voss
Callan	Graubard	MacGregor	Partridge	Waddell
Caughlan	Gray	Manley	Perkins	Walters
Cheney	Green	Marks	Phillips C W	Ward



Clarke	Gunderman	Marlatt	Phillips J S	Waters
Colné	Hammond	Martin	Reed	Weaver
Conklin	Hamn	McCue	Robinson	Weber
Costello	Hawley	McElligott	Rozan	Weimert
Cuvillier	Hemenway	McFarlane	Sargent	Wende
De Groot	Herrick	McGrath	Schmidt	White L H
Donnelly	Hoey	McInerney	Schutta	Whitley
Draper	Howard	McKeon	Scott	Whitney
Duell	Jackson	McLaughlin	Sheridan	Williams
Eagleton	Jordan	Mead	Silbermann	Wood
Edwards	Joseph	Merritt	Smith A E	Yale
Evans	Klein	Millen	Smith C	Young F L
Farrar	Lachman	Miller J L	Smith F L	

Ordered, That the Clerk engross said bill and deliver the same to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 2360) entitled "An act to amend the Highway Law, in relation to the preliminary resolution of the board of supervisors and what highways or sections thereof may be included therein." (Int. No. 1701.)

On motion of Mr. Burhyte, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 140

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Klein	Miller J L	Smith F L
Barden	Filley	Lachman	Miller W G	Spielberg
Bates	Foley	Lanahan	Murphy C F	Staley
Baumann	Fowler	Lansing	Murphy F J	Stein
Baumes	Francis	Lazarus	Murray	Stern
Bennett	Frisbie	Lee	Neupert	Sullivan
Bohan	Garbe	Leffingwell	Nolan	Surpless
Boshart	Geoghegan	Levy A J	Odell	Thompson
Brady	Gillen	Levy J	Oliver	Thorn
Brown C F	Glore	Lewis	O'Neil	Todd
Brown G W	Gluck	Lowe	Parker F B	Toombs
Burhyte	Goldberg	Lowman	Parker J S	Travis
Callan	Goodspeed	Lupton	Partridge	Voss
Caughlan	Graubard	MacGregor	Perkins	Waddell
Cheney	Gray	Manley	Phillips C W	Walters
Clarke	Green	Marks	Phillips J S	Ward

Colné	Gunderman	Marlatt	Reed	Waters
Conklin	Hackett	Martin	Robinson	Weaver
Costello	Hammond	McCue	Rozan	Weber
Cuvillier	Hamn	McElligott	Sargent	Weimert
De Groot	Hawley	McFarlane	Schmidt	Wende
Donnelly	Hemenway	McGrath	Schutta	White L H
Draper	Herrick	McInerney	Scott	Whitley
Duell	Hoey	McKeon	Shea	Whitney
Eagleton	Howard	McLaughlin	Sheridan	Williams
Edwards	Jackson	Mead	Silbermann	Wood
Evans	Jordan	Merritt	Smith A E	Yale
Farrar	Joseph	Millen	Smith C	Young F L

Ordered, That the Clerk engross said bill and deliver the same to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the Senate bill (No. 730, Assembly reprint No. 2359) entitled "An act to amend the Code of Civil Procedure, in relation to payment of moneys deposited in court in actions for partition." (Rec. No. 171.)

On motion of Mr. Waters, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 139

NOES 00

Those who voted in the affirmative were:

Allen	Filley	Lachman	Miller W G	Spielberg
Barden	Foley	Lanahan	Murphy C F	Staley
Bates	Fowler	Lansing	Murphy F J	Stein
Baumann	Francis	Lazarus	Murray	Stern
Baumes	Frisbie	Lee	Neupert	Sullivan
Bennett	Garbe	Leffingwell	Nolan	Surpless
Bohan	Geoghegan	Levy A J	Odell	Thompson
Boshart	Gillen	Levy J	Oliver	Thorn
Brady	Glore	Lewis	O'Neil	Todd
Brown G W	Glück	Lowe	Parker F B	Toombs
Burhyte	Goldberg	Lowman	Parker J S	Travis
Callan	Goodspeed	Lupton	Partridge	Voss
Caughlan	Graubard	MacGregor	Perkins	Waddell
Cheney	Gray	Manley	Phillips C W	Walters
Clarke	Green	Marks	Phillips J S	Ward
Colné	Gunderman	Marlatt	Reed	Waters
Conklin	Hackett	Martin	Robinson	Weaver
Costello	Hammond	McCue	Rozan	Weber
Cuvillier	Hamn	McElligott	Sargent	Weimert

De Groot	Hawley	McFarlane	Schmidt	Wende
Donnelly	Hemenway	McGrath	Schutta	White L H
Draper	Herrick	McInerney	Scott	Whitley
Duell	Hoey	McKeon	Shea	Whitney
Eagleton	Howard	McLaughlin	Sheridan	Williams
Edwards	Jackson	Mead	Silbermann	Wood
Evans	Jordan	Merritt	Smith A E	Yale
Farrar	Joseph	Millen	Smith C	Young F L
Fay	Klein	Miller J L	Smith F L	

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same, with amendments.

Mr. Speaker announced the special order, being the bill (No. 2365) entitled "An act to amend chapter one hundred and forty-seven of the Laws of nineteen hundred and three, entitled 'An act making provision for issuing bonds to the amount of not to exceed one hundred and one million dollars for the improvement of the Erie canal, the Oswego canal and the Champlain canal, and providing for a submission of the same to the people to be voted upon at the general election to be held in the year nineteen hundred and three,' by adding thereto a new section to be known as section seventeen thereof, to provide for the sale of materials encountered in excavation and not necessary for the improvement work." (Int. No. 1751.)

On motion of Mr. Colné, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 140

NOES 00

Those who voted in the affirmative were:

Allen	Filley	Lachman	Miller W G	Smith M
Barden	Foley	Lanahan	Murphy C F	Spielberg
Bates	Fowler	Lansing	Murphy F J	Staley
Baumann	Francis	Lazarus	Murray	Stein
Baumes	Frisbie	Lee	Neupert	Stern
Bennett	Garbe	Leffingwell	Nolan	Sullivan



Bohan	Geoghegan	Levy A J	Odell	Surpless
Boshart	Gillen	Levy J	Oliver	Thompson
Brady	Glore	Lewis	O'Neil	Thorn
Brown G W	Glück	Lowe	Parker F B	Todd
Burhyte	Goldberg	Lowman	Parker J S	Toombs
Callan	Goodspeed	Lupton	Partridge	Travis
Caughlan	Graubard	MacGregor	Perkins	Voss
Cheney	Gray	Manley	Phillips C W	Waddell
Clarke	Green	Marks	Phillips J S	Walters
Colné	Gunderman	Marlatt	Reed	Ward
Conklin	Hackett	Martin	Robinson	Waters
Costello	Hammond	McCue	Rozan	Weaver
Cuvillier	Hamm	McElligott	Sargent	Weber
De Groot	Hawley	McFarlane	Schmidt	Weimert
Donnelly	Hemenway	McGrath	Schutta	Wende
Draper	Herrick	McInerney	Scott	White L H
Duell	Hoey	McKeon	Shea	Whitley
Eagleton	Howard	McLaughlin	Sheridan	Whitney
Edwards	Jackson	Mead	Silbermann	Williams
Evans	Jordan	Merritt	Smith A E	Wood
Farrar	Joseph	Millen	Smith C	Yale
Fay	Klein	Miller J L	Smith F L	Young F L

Ordered, That the Clerk engross said bill and deliver the same to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 2349) entitled "An act relating to the repaving of streets and highways in the city of Mount Vernon which have once been paved at the expense of abutting property, in whole or in part, and authorizing such city to raise money therefor by the issue of bonds." (Int. No. 1745.)

On motion of Mr. Duell, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 139

NOES 00

Those who voted in the affirmative were:

Allen	Filley	Lachman	Miller W G	Spielberg
Barden	Foley	Lanahan	Murphy C F	Staley
Bates	Fowler	Lansing	Murphy F J	Stein
Baumann	Francis	Lazrus	Murray	Stern
Baumes	Frisbie	Lee	Neupert	Sullivan
Bennett	Garbe	Leffingwell	Nolan	Surpless

Bohan	Geoghegan	Levy A J	Odell	Thompson
Boshart	Gillen	Levy J	Oliver	Thorn
Brady	Glore	Lewis	O'Neil	Todd
Brown G W	Glück	Lowe	Parker F B	Toombs
Burhyte	Goldberg	Lowman	Parker J S	Travis
Callan	Goodspeed	Lupton	Partridge	Voss
Caughlan	Graubard	MacGregor	Perkins	Waddell
Cheney	Gray	Manley	Phillips C W	Walters
Clarke	Green	Marks	Phillips J S	Ward
Colné	Gunderman	Marlatt	Reed	Waters
Conklin	Hackett	Martin	Robinson	Weaver
Costello	Hammond	McCue	Rozan	Weber
Cuvillier	Hamn	McElligott	Sargent	Weimert
De Groot	Hawley	McFarlane	Schmidt	Wende
Donnelly	Hemenway	McGrath	Schutta	White L H
Draper	Herrick	McInerney	Scott	Whitley
Duell	Hoey	McKeon	Shea	Whitney
Eagleton	Howard	McLaughlin	Sheridan	Williams
Edwards	Jackson	Mead	Silbermann	Wood
Evans	Jordan	Merritt	Smith A E	Yale
Farrar	Joseph	Millen	Smith C	Young F L
Fay	Klein	Miller J L	Smith F L	

Ordered, That the Clerk engross said bill and deliver the same to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 458) entitled "An act to confer jurisdiction upon the Court of Claims to hear and determine any and all claims against the State of New York, for damages for personal injuries alleged to have been sustained by Francis J. Hyland, by being struck and run over by a tender of a fire engine of the fire department of the city of New York, while walking on Third avenue in the city of New York, borough of Manhattan." (Int. No. 443.)

On motion of Mr. Cuvillier, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 139

NOES 00

Those who voted in the affirmative were:

Allen	Filley	Lachman	Miller W G	Spielberg
Barden	Foley	Lanagan	Murphy C F	Staley
Bates	Fowler	Lansing	Murphy F J	Stein
Baumann	Francis	Lazarus	Murray	Stern

Baumes	Frisbie	Lee	Neupert	Sullivan
Bennett	Garbe	Leffingwell	Nolan	Surpless
Bohan	Geoghegan	Levy A J	Odell	Thompson
Boshart	Gillen	Levy J	Oliver	Thorn
Brady	Glore	Lewis	O'Neil	Todd
Brown G W	Gluck	Lowe	Parker F B	Toombs
Burhyte	Goldberg	Lowman	Parker J S	Travis
Callan	Goodspeed	Lupton	Partridge	Voss
Caughlan	Graubard	MacGregor	Perkins	Waddell
Cheney	Gray	Manley	Phillips C W	Walters
Clarke	Green	Marks	Phillips J S	Ward
Colne	Gunderman	Marlatt	Reed	Waters
Conklin	Hackett	Martin	Robinson	Weaver
Costello	Hammond	McCue	Rozan	Weber
Cuvillier	Hamm	McElligott	Sargent	Weimert
De Groot	Hawley	McFarlane	Schmidt	Wende
Donnelly	Hemenway	McGrath	Schutta	White L H
Draper	Herrick	McInerney	Scott	Whitley
Duell	Hoey	McKeon	Shea	Whitney
Eagleton	Howard	McLaughlin	Sheridan	Williams
Edwards	Jackson	Mead	Silbermann	Wood
Evans	Jordan	Merritt	Smith A E	Yale
Farrar	Joseph	Millen	Smith C	Young F L
Fay	Klein	Miller J L	Smith F L	

Ordered, That the Clerk engross said bill and deliver the same to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the Senate bill (No. 519) entitled "An act to amend the Tax Law, in relation to taxable transfers." (Rec. No. 57.)

On motion of Mr. Waddell, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 139

NOES 00

Those who voted in the affirmative were:

Allen	Filley	Lachman	Miller W G	Spielberg
Barden	Foley	Lanahan	Murphy C F	Staley
Bates	Fowler	Lansing	Murphy F J	Stein
Baumann	Francis	Lazarus	Murray	Stern
Baumes	Frisbie	Lee	Neupert	Sullivan
Bennett	Garbe	Leffingwell	Nolan	Surpless
Bohan	Geoghegan	Levy A J	Odell	Thompson
Boshart	Gillen	Levy J	Oliver	Thorn



Brady	Glore	Lewis	O'Neil	Todd
Brown G W	Glück	Lowe	Parker F B	Toombs
Burhyte	Goldberg	Lowman	Parker J S	Travis
Callan	Goodspeed	Lupton	Partridge	Voss
Caughlan	Graubard	MacGregor	Perkins	Waddell
Cheney	Gray	Manley	Phillips C W	Walters
Clarke	Green	Marks	Phillips J S	Ward
Colné	Gunderman	Marlatt	Reed	Waters
Conklin	Hackett	Martin	Robinson	Weaver
Costello	Hammond	McCue	Rozan	Weber
Cuvillier	Hamn	McElligott	Sargent	Weimert
De Groot	Hawley	McFarlane	Schmidt	Wende
Donnelly	Hemenway	McGrath	Schutta	White L H
Draper	Herrick	McInerney	Scott	Whitley
Duell	Hoye	McKeon	Shea	Whitney
Eagleton	Howard	McLaughlin	Sheridan	Williams
Edwards	Jackson	Mead	Silbermann	Wood
Evans	Jordan	Merritt	Smith A E	Yale
Farrar	Joseph	Millen	Smith C	Young F L
Fay	Klein	Miller J L	Smith F L	

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1411) entitled "An act to amend the Tax Law, in relation to the compensation and the powers and duties of the State Board of Tax Commissioners." (Rec. No. 304.)

On motion of Mr. Merritt, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 140

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Klein	Miller J L	Smith F L
Barden	Filley	Lachman	Miller W G	Spielberg
Bates	Foley	Lanahan	Murphy C F	Staley
Baumann	Fowler	Lansing	Murphy F J	Stein
Baumes	Francis	Lazarus	Murray	Stern
Bennett	Frisbie	Lee	Neupert	Sullivan
Bohan	Garbe	Leffingwell	Nolan	Surpluss
Boshart	Geoghegan	Levy A J	Odell	Thompson
Brady	Gillen	Levy J	Oliver	Thorn

Brown C F	Glore	Lewis	O'Neil	Todd
Brown G W	Glück	Lowe	Parker F B	Toombs
Burhyte	Goldberg	Lowman	Parker J S	Travis
Callan	Goodspeed	Lupton	Partridge	Voss
Caughlan	Graubard	MacGregor	Perkins	Waddell
Cheney	Gray	Manley	Phillips C W	Walters
Clarke	Green	Marks	Phillips J S	Ward
Colné	Gunderman	Marlatt	Reed	Waters
Conklin	Hackett	Martin	Robinson	Weaver
Costello	Hammond	McCue	Rozan	Weber
Cuvillier	Hamn	McElligott	Sargent	Weimert
De Groot	Hawley	McFarlane	Schmidt	Wende
Donnelly	Hemenway	McGrath	Schutta	White L H
Dreper	Herrick	McInerney	Scott	Whitley
Duell	Hoey	McKeon	Shea	Whitney
Eagleton	Howard	McLaughlin	Sheridan	Williams
Edwards	Jackson	Mead	Silbermann	Wood
Evans	Jordan	Merritt	Smith A E	Yale
Farrar	Joseph	Millen	Smith C	Young F L

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1049) entitled "An act to amend the Public Health Law, in relation to fees of physicians for making examinations in tuberculosis cases." (Rec. No. 284.)

On motion of Mr. Wood, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 140

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Klein	Miller J L	Smith F L
Barden	Filley	Lachman	Miller W G	Spielberg
Bates	Foley	Lanahan	Murphy C F	Staley
Baumann	Fowler	Lansing	Murphy F J	Stein
Baumes	Francis	Lazarus	Murray	Stern
Bennett	Frisbie	Lee	Neupert	Sullivan
Bohan	Garbe	Leffingwell	Nolan	Surpless
Boshart	Geoghegan	Levy A J	Odell	Thompson
Brady	Gillen	Levy J	Oliver	Thorn
Brown C F	Glore	Lewis	O'Neil	Todd

Brown G W	Glück	Lowe	Parker F B	Toombs
Burhyte	Goldberg	Lowman	Parker J S	Travis
Callan	Goodspeed	Lupton	Partridge	Voss
Caughlan	Graubard	MacGregor	Perkins	Waddell
Cheney	Gray	Manley	Phillips C W	Walters
Clarke	Green	Marks	Phillips J S	Ward
Colné	Gunderman	Marlatt	Reed	Waters
Conklin	Hackett	Martin	Robinson	Weaver
Costello	Hammond	McCue	Rozan	Weber
Cuvillier	Hamn	McElligott	Sargent	Weimert
De Groot	Hawley	McFarlane	Schmidt	Wende
Donnelly	Hemenway	McGrath	Schutta	White L H
Draper	Herrick	McInerney	Scott	Whitley
Duell	Hoey	McKeon	Shea	Whitney
Eagleton	Howard	McLaughlin	Sheridan	Williams
Edwards	Jackson	Mead	Silbermann	Wood
Evans	Jordan	Merritt	Smith A E	Yalc
Farrar	Joseph	Millen	Smith C	Young F L

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1212) entitled "An act to amend the Lien Law, relating to discharge of mechanics' liens." (Rec. No. 309.)

On motion of Mr. MacGregor, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 140

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Klein	Miller J L	Smith F L
Barden	Fillely	Lachman	Miller W G	Spielberg
Bates	Foley	Lanahan	Murphy C F	Staley
Baumann	Fowler	Lansing	Murphy F J	Stein
Baumes	Francis	Lazarus	Murray	Stern
Bennett	Frisbie	Lee	Neupert	Sullivan
Bohan	Garbe	Leffingwell	Nolan	Surpless
Boshart	Geoghegan	Levy A J	Odell	Thompson
Brady	Gillen	Levy J	Oliver	Thorn
Brown C F	Glore	Lewis	O'Neil	Todd
Brown G W	Glück	Lowe	Parker F B	Toombs
Burhyte	Goldberg	Lowman	Parker J S	Travis



Callan	Goodspeed	Lupton	Partridge	Voss
Caughlan	Graubard	MacGregor	Perkins	Waddell
Cheney	Gray	Manley	Phillips C W	Walters
Clarke	Green	Marks	Phillips J S	Ward
Colné	Gundermar	Marlatt	Reed	Waters
Conklin	Hackett	Martin	Robinson	Weaver
Costello	Hammond	McCue	Rozan	Weber
Cuvillier	Hann	McElligott	Sargent	Weimert
De Groot	Hawley	McFarlane	Schmidt	Wende
Donnelly	Hemenway	McGrath	Schutta	White L H
Draper	Herrick	McInerney	Scott	Whitley
Duell	Hoey	McKeon	Shea	Whitney
Eagleton	Howard	McLaughlin	Sheridan	Williams
Edwards	Jackson	Mead	Silbermann	Wood
Evans	Jordan	Merritt	Smith A E	Yale
Farrar	Joseph	Millen	Smith C	Young F L

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1137) entitled "An act to amend chapter forty-seven of the Laws of nineteen hundred and nine, entitled 'An act relating to prisons, constituting chapter forty-three of the Consolidated Laws,' relative to making the definite terms of a certain class of prisoners indeterminate terms." (Rec. No. 283.)

On motion of Mr. Waters, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 138

NOES 00

Those who voted in the affirmative were:

Allen	Fillee	Lanahan	Murphy C F	Spielberg
Barden	Foley	Lansing	Murphy F J	Staley
Bates	Fowler	Lazarus	Murray	Stein
Baumann	Francis	Lee	Neupert	Stern
Baumes	Frisbie	Leffingwell	Nolan	Sullivan
Bennett	Garbe	Levy A J	Odell	Surpless
Bohan	Geoghegan	Levy J	Oliver	Thompson
Boshart	Glore	Lewis	O'Neil	Thorn
Brady	Glück	Lowe	Parker F B	Todd
Brown G W	Goldberg	Lowman	Parker J S	Toombs

Burhyte	Goodspeed	Lupton	Partridge	Travis
Callan	Graubard	MacGregor	Perkins	Voss
Caughlan	Gray	Manley	Phillips C W	Waddell
Cheney	Green	Marks	Phillips J S	Walters
Clarke	Gunderman	Marlatt	Reed	Ward
Colné	Hackett	Martin	Robinson	Waters
Conklin	Hammond	McCue	Rozan	Weaver
Costello	Hamn	McElligott	Sargent	Weber
Cuvillier	Hawley	McFarlane	Schmidt	Weimert
De Groot	Hemenway	McGrath	Schutta	Wende
Donnelly	Herrick	McInerney	Scott	White L H
Draper	Hoey	McKeon	Shea	Whitley
Duell	Howard	McLaughlin	Sheridan	Whitney
Eagleton	Jackson	Mead	Silbermann	Williams
Edwards	Jordan	Merritt	Smith A E	Wood
Evans	Joseph	Millen	Smith C	Yale
Farrar	Klein	Miller J L	Smith F L	Young F L
Fay	Lachman	Miller W G		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1460) entitled "An act to amend the Insurance Law, generally." (Rec. No. 310.)

On motion of Mr. Hamn, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 140

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Klein	Miller J L	Smith F L
Barden	Filley	Lachman	Miller W G	Spielberg
Bates	Foley	Lanahan	Murphy C F	Staley
Baumann	Fowler	Lansing	Murphy F J	Stein
Baumes	Francis	Lazarus	Murray	Stern
Bennett	Frisbie	Lee	Neupert	Sullivan
Bohan	Garbe	Leffingwell	Nolan	Surpless
Boshart	Geoghegan	Levy A J	Odell	Thompson
Brady	Gillen	Levy J	Oliver	Thorn
Brown C F	Glore	Lewis	O'Neil	Todd
Brown G W	Glück	Lowe	Parker F B	Toombs
Burhyte	Goldberg	Lowman	Parker J S	Travis

Callan	Goodspeed	Lupton	Partridge	Voss
Caughlan	Graubard	MacGregor	Perkins	Waddell
Cheney	Gray	Manley	Phillips C W	Walters
Clarke	Green	Marks	Phillips J S	Ward
Coiné	Gunderman	Marlatt	Reed	Waters
Conklin	Hackett	Martin	Robinson	Weaver
Costello	Hammond	McCue	Rozan	Weber
Cuvillier	Hamm	McElligott	Sargent	Weimert
De Groot	Hawley	McFarlane	Schmidt	Wende
Donnelly	Hemenway	McGrath	Schutta	White L H
Draper	Herrick	McInerney	Scott	Whitley
Duell	Hoey	McKeon	Shea	Whitney
Eagleton	Howard	McLaughlin	Sheridan	Williams
Edwards	Jackson	Mead	Silbermann	Wood
Evans	Jordan	Merritt	Smith A E	Yale
Farrar	Joseph	Millen	Smith C	Young F L

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 707) entitled "An act to amend the Banking Law, in relation to loans by certain banks." (Rec. No. 180.)

On motion of Mr. Francis, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 140

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Klein	Miller J L	Smith F L
Barden	Filley	Lachman	Miller W G *	Spielberg
Bates	Foley	Lanahan	Murphy C F	Staley
Baumann	Fowler	Lansing	Murphy F J	Stein
Baumes	Francis	Lazarus	Murray	Stern
Bennett	Frisbie	Lee	Neupert	Sullivan
Bohan	Garbe	Leffingwell	Nolan	Surpluss
Boshart	Geoghegan	Levy A J	Odell	Thompson
Brady	Gillen	Levy J	Oliver	Thorn
Brown C F	Glore	Lewis	O'Neil	Todd
Brown G W	Glück	Lowe	Parker F B	Toombs
Burhyte	Goldberg	Lowman	Parker J S	Travis
Callan	Goodspeed	Lupton	Partridge	Voss
Caughlan	Graubard	MacGregor	Perkins	Waddell



Cheney	Gray	Manley	Phillips C W	Walters
Clarke	Green	Marks	Phillips J S	Ward
Colné	Gunderman	Marlatt	Reed	Waters
Conklin	Hackett	Martin	Robinson	Weaver
Costello	Hammond	McCue	Rozan	Weber
Cuvillier	Hamn	McElligott	Sargent	Weimert
De Groot	Hawley	McFarlane	Schmidt	Wende
Donnelly	Hemenway	McGrath	Schutta	White L H
Draper	Herrick	McInerney	Scott	Whitley
Duell	Hoey	McKeon	Shea	Whitney
Eagleton	Howard	McLaughlin	Sheridan	Williams
Edwards	Jackson	Mead	Silbermann	Wood
Evans	Jordan	Merritt	Smith A E	Yale
Farrar	Joseph	Millen	Smith C	Young F L

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1442) entitled "An act to repeal sections one hundred and fifteen, one hundred and sixteen and three hundred and fifteen of the Judiciary Law." (Rec. No. 305.)

Said bill having been announced for a second reading,

On motion of Mr. McInerney, and by unanimous consent, said bill was ordered placed on the second and third reading calendar for Wednesday next.

Mr. Speaker announced the special order, being the Senate bill (No. 1008) entitled "An act to amend the charter of the city of Johnstown, in relation to the water supply." (Rec. No. 179.)

On motion of Mr. Partridge, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 140

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Klein	Miller J L	Smith F L
Barden	Filley	Lachman	Miller W G	Spielberg
Bates	Foley	Lanahan	Murphy C F	Staley
Bauman	Fowler	Lansing	Murphy F J	Stein
Baumes	Francis	Lazarus	Murray	Stern
Bennett	Frisbie	Lee	Neupert	Sullivan
Bohan	Garbe	Leffingwell	Nolan	Surpless
Boshart	Geoghegan	Levy A J	Odell	Thompson
Brady	Gillen	Levy J	Oliver	Thorn
Brown C F	Glore	Lewis	O'Neil	Todd
Brown G W	Glück	Lowe	Parker F B	Toombs
Burhyte	Goldberg	Lowman	Parker J S	Travis
Callan	Goodspeed	Lupton	Partridge	Voss
Caughlan	Graubard	MacGregor	Perkins	Waddell
Cheney	Gray	Manley	Phillips C W	Walters
Clarke	Green	Marks	Phillips J S	Ward
Colné	Gunderman	Marlatt	Reed	Waters
Conklin	Hackett	Martin	Robinson	Weaver
Costello	Hammond	McCue	Rozan	Weber
Cuvillier	Hamn	McElligott	Sargent	Weimert
De Groot	Hawley *	McFarlane	Schmidt	Wende
Donnelly	Hemenway	McGrath	Schutta	White L H
Draper	Herrick	McInerney	Scott	Whitley
Duell	Hoey	McKeon	Shea	Whitney
Eagleton	Howard	McLaughlin	Sheridan	Williams
Edwards	Jackson	Mead	Silbermann	Wood
Evans	Jordan	Merritt	Smith A E	Yale
Farrar	Joseph	Millen	Smith C	Young F L

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 940) entitled "An act to amend chapter two hundred and seventy-five of the Laws of eighteen hundred and ninety-nine, entitled 'An act to revise the charter of the city of Gloversville.'" (Rec. No. 314.)

On motion of Mr. Partridge, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 133

NOES 00

Those who voted in the affirmative were:

Allen	Fillee	Lansing	Murphy C F	Speilberg
Barden	Foley	Lazarus	Murphy F J	Staley
Bates	Fowler	Lee	Murray	Stein
Baumann	Francis	Leffingwell	Neupert	Sullivan
Baumes	Frisbie	Levy A J	Nolan	Surpless
Bennett	Garbe	Levy J	Odell	Thompson
Boshart	Geoghegan	Lewis	Oliver	Thorn
Brady	Glore	Lowe	O'Neil	Todd
Brown G W	Glück	Lowman	Parker F B	Toombs
Burhyte	Goodspeed	Lupton	Parker J S	Travis
Callan	Graubard	MacGregor	Partridge	Voss
Caughlan	Gray	Manley	Perkins	Waddell
Cheney	Green	Marks	Phillips C W	Walters
Clarke	Gunderman	Marlatt	Phillips J S	Ward
Colne	Hammond	Martin	Reed	Waters
Conklin	Hamm	McCue	Robinson	Weaver
Costello	Hawley	McElligott	Rozan	Weber
Cuvillier	Hemenway	McFarlane	Sargent	Weimert
De Groot	Herrick	McGrath	Schmidt	Wende
Donnelly	Hoey	McInerney	Schutta	White L H
Draper	Howard	McKeon	Scott	Whitley
Duell	Jackson	McLaughlin	Sheridan	Whitney
Eagleton	Jordan	Mead	Silbermann	Williams
Edwards	Joseph	Merritt	Smith A E	Wood
Evans	Klein	Millen	Smith C	Yale
Farrar	Lachman	Miller J L	Smith F L	Young F L
Fay	Lanahan	Miller W G		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1201) entitled "An act to amend chapter four hundred and ninety-two of the Laws of nineteen hundred and eight, entitled 'An act to provide for a commissioner of elections in and for the county of Onondaga.'" (Rec. No. 323.)

On motion of Mr. Hammond, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.



AYES 140

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Klein	Miller J L	Smith F L
Barden	Filley	Lachman	Miller W G	Spielberg
Bates	Foley	Lanahan	Murphy C F	Staley
Baumann	Fowler	Lansing	Murphy F J	Stein
Baumes	Francis	Lazarus	Murray	Stern
Bennett	Frisbie	Lee	Neupert	Sullivan
Bohan	Garbe	Leffingwell	Nolan	Surpless
Boshart	Geoghegan	Levy A J	Odell	Thompson
Brady	Gillen	Levy J	Oliver	Thorn
Brown C F	Glore	Lewis	O'Neil	Todd
Brown G W	Glück	Lowe	Parker F B	Toombs
Burhyte	Goldberg	Lowman	Parker J S	Travis
Callan	Goodspeed	Lupton	Partridge	Voss
Caughlan	Graubard	MacGregor	Perkins	Waddell
Cheney	Gray	Manley	Phillips C W	Walter
Clarke	Green	Marks	Phillips J S	Ward
Colne	Gunderman	Marlatt	Reed	Waters
Conklin	Hackett	Martin	Robinson	Weaver
Costello	Hammond	McCue	Rozan	Weber
Cuvillier	Hann	McElligott	Sargent	Weimert
De Groot	Hawley	McFarlane	Schmidt	Wende
Donnelly	Hemenway	McGrath	Schutta	White L H
Draper	Herrick	McInerney	Scott	Whitley
Duell	Hoey	McKeon	Shea	Whitney
Eagleton	Howard	McLaughlin	Sheridan	Williams
Edwards	Jackson	Mead	Silbermann	Wood
Evans	Jordan	Merritt	Smith A E	Yale
Farrar	Joseph	Millen	Smith C	Young F L

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 968) entitled "An act to amend section ninety-five of chapter forty-seven of the Laws of nineteen hundred and nine, entitled 'An act relating to prisons, constituting chapter forty-three of the Consolidated Laws,' relative to the compensation of the chaplain and physician at the State Prison for Women." (Rec. No. 316.)

On motion of Mr. Waters, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirma-

tive, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 140

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Klein	Miller J L	Smith F L
Barden	Filey	Lachman	Miller W G	Spielberg
Bates	Foley	Lanahan	Murphy C F	Staley
Baumann	Fowler	Lansing	Murphy F J	Stein
Baumes	Francis	Lazarus	Murray	Stern
Bennett	Frisbie	Lee	Neupert	Sullivan
Bohan	Garbe	Leffingwell	Nolan	Surpless
Boshart	Geoghegan	Levy A J	Odell	Thompson
Brady	Gillen	Levy J	Oliver	Thorn
Brown C F	Glore	Lewis	O'Neil	Todd
Brown G W	Glück	Lowe	Parker F B	Toombs
Burhyte	Goldberg	Lowman	Parker J S	Travis
Callan	Goodspeed	Lupton	Partridge	Voss
Caughlan	Graubard	MacGregor	Perkins	Waddell
Cheney	Gray	Manley	Phillips C W	Walters
Clarke	Green	Marks	Phillips J S	Ward
Colné	Gunderman	Marlatt	Reed	Waters
Conklin	Hackett	Martin	Robinson	Weaver
Costello	Hammond	McCue	Rozan	Weber
Cuvillier	Hamn	McElligott	Sargent	Weimert
De Groot	Hawley	McFarlane	Schmidt	Wende
Donnelly	Hemenway	McGrath	Schutta	White L H
Draper	Herrick	McInerney	Scott	Whitley
Duell	Hoey	McKeon	Shea	Whitney
Eagleton	Howard	McLaughlin	Sheridan	Williams
Edwards	Jackson	Mead	Silbermann	Wood
Evans	Jordan	Merritt	Smith A E	Yale
Farrar	Joseph	Millen	Smith C	Young F L

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 240) entitled "Concurrent resolution of the Senate and Assembly proposing an amendment to section twenty-seven of article three of the Constitution, in relation to the powers of the boards of supervisors and county auditors or other fiscal officers." (Rec. No. 252.)

On motion of Mr. J. S. Phillips, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to

the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 140

NOES 00

Those who voted in the affirmative were :

Allen	Fay	Klein	Miller J L	Smith F L
Barden	Filley	Lachman	Miller W G	Spielberg
Bates	Foley	Lanahan	Murphy C F	Staley
Baumann	Fowler	Lansing	Murphy F J	Stein
Baumes	Francis	Lazarus	Murray	Stern
Bennett	Frisbie	Lee	Neupert	Sullivan
Bohan	Garbe	Leffingwell	Nolan	Surpless
Boshart	Geoghegan	Levy A J	Odell	Thompson
Brady	Gillen	Levy J	Oliver	Thorn
Brown C F	Glore	Lewis	O'Neil	Todd
Brown G W	Glück	Lowe	Parker F B	Toombs
Burhyte	Goldberg	Lowman	Parker J S	Travis
Callan	Goodspeed	Lupton	Partridge	Voss
Caughlan	Graubard	MacGregor	Perkins	Waddell
Cheney	Gray	Manley	Phillips C W	Walters
Clarke	Green	Marks	Phillips J S	Ward
Colné	Gunderman	Marlatt	Reed	Waters
Conklin	Hackett	Martin	Robinson	Weaver
Costello	Hammond	McCue	Rozan	Weber
Cuvillier	Hamn	McElligott	Sargent	Weimert
De Groot	Hawley	McFarlane	Schmidt	Wende
Donnelly	Hemenway	McGrath	Schutta	White L H
Draper	Herrick	McInerney	Scott	Whitley
Duell	Hoey	McKeon	Shea	Whitney
Eagleton	Howard	McLaughlin	Sheridan	Williams
Edwards	Jackson	Mead	Silbermann	Wood
Evans	Jordan	Merritt	Smith A E	Yale
Farrar	Joseph	Millen	Smith C	Young F L

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1230) entitled "An act to amend the Agricultural Law, relative to salary of Commissioner of Agriculture." (Rec. No. 234.)

On motion of Mr. Hammond, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirma-



tive, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 140

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Klein	Miller J L	Smith F L
Barden	Filley	Lachman	Miller W G	Spielberg
Bates	Foley	Lanahan	Murphy C F	Staley
Baumann	Fowler	Lansing	Murphy F J	Stein
Baumes	Francis	Lazarus	Murray	Stern
Bennett	Frisbie	Lee	Neupert	Sullivan
Bohan	Garbe	Leffingwell	Nolan	Surpless
Boshart	Geoghegan	Levy A J	Odell	Thompson
Brady	Gillen	Levy J	Oliver	Thorn
Brown C F	Glore	Lewis	O'Neil	Todd
Brown G W	Glück	Lowe	Parker F B	Toombs
Burhyte	Goldberg	Lowman	Parker J S	Travis
Callan	Goodspeed	Lupton	Partridge	Voss
Caughlan	Graubard	MacGregor	Perkins	Waddell
Cheney	Gray	Manley	Phillips C W	Walters
Clarke	Green	Marks	Phillips J S	Ward
Colné	Gunderman	Marlatt	Reed	Waters
Conklin	Hackett	Martin	Robinson	Weaver
Costello	Hammond	McCue	Rozan	Weber
Cuvillier	Hamn	McElligott	Sargent	Weimert
De Groot	Hawley	McFarlane	Schmidt	Wende
Donnelly	Hemenway	McGrath	Schutta	White L H
Draper	Herrick	McInerney	Scott	Whitley
Duell	Hoey	McKeon	Shea	Whitney
Eagleton	Howard	McLaughlin	Sheridan	Williams
Edwards	Jackson	Mead	Silbermann	Wood
Evans	Jordan	Merritt	Smith A E	Yale
Farrar	Joseph	Millen	Smith C	Young F L

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1388) entitled "An act to amend section eleven-a of the Code of Criminal Procedure, relative to the appointment and payment of probation officers." (Rec. No. 320.)

On motion of Mr. C. F. Murphy, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirma-

tive, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 140

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Klein	Miller J L	Smith F L
Barden	Filley	Lachman	Miller W G	Spielberg
Bates	Foley	Lanahan	Murphy C F	Staley
Baumann	Fowler	Lansing	Murphy F J	Stein
Baumes	Francis	Lazarus	Murray	Stern
Bennett	Frisbie	Lee	Neupert	Sullivan
Bohan	Garbe	Leffingwell	Nolan	Surpless
Boshart	Geoghegan	Levy A J	Odell	Thompson
Brady	Gillen	Levy J	Oliver	Thorn
Brown C F	Glore	Lewis	O'Neil	Todd
Brown G W	Glück	Lowe	Parker F P	Toombs
Burhyte	Goldberg	Lowman	Parker J S	Travis
Callan	Goodspeed	Lupton	Partridge	Voss
Caughlan	Graubard	MacGregor	Perkins	Waddell
Cheney	Gray	Manley	Phillips C W	Walters
Clarke	Green	Marks	Phillips J S	Ward
Colne	Gunderman	Marlatt	Reed	Waters
Conklin	Hackett	Martin	Robinson	Weaver
Costello	Hammond	McCue	Rozan	Weber
Cuvillier	Hamn	McElligott	Sargent	Weimert
De Groot	Hawley	McFarlane	Schmidt	Wende
Donnelly	Hemenway	McGrath	Schutta	White, L H
Draper	Herrick	McInerney	Scott	Whitley
Duell	Hoeys	McKeon	Shea	Whitney
Eagleton	Howard	McLaughlin	Sheridan	Williams
Edwards	Jackson	Mead	Silbermann	Wood
Evans	Jordan	Merritt	Smith A E	Yale
Farrar	Joseph	Millen	Smith C	Young F L

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1356) entitled "An act to repeal section twenty-four hundred and seventeen of the Code of Civil Procedure." (Rec. No. 317.)

On motion of Mr. C. F. Murphy, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the

affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 140

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Klein	Miller J L	Smith F L
Barden	Filey	Lachman	Miller W G	Spielberg
Bates	Foley	Lanahan	Murphy C F	Staley
Baumann	Fowler	Lansing	Murphy F J	Stein
Baumes	Francis	Lazarus	Murray	Stern
Bennett	Frisbie	Lee	Neupert	Sullivan
Bohan	Garbe	Leffingwell	Nolan	Surpless
Boshart	Geoghegan	Levy A J	Odell	Thompson
Brady	Gillen	Levy J	Oliver	Thorn
Brown C F	Glore	Lewis	O'Neil	Todd
Brown G W	Glück	Lowe	Parker F B	Toombs
Burhyte	Goldberg	Lowman	Parker J S	Travis
Callan	Goodspeed	Lupton	Partridge	Voss
Caughlan	Graubard	MacGregor	Perkins	Waddell
Cheney	Gray	Manley	Phillips C W	Walters
Clarke	Green	Marks	Phillips J S	Ward
Colné	Gunderman	Marlatt	Reed	Waters
Conklin	Hackett	Martin	Robinson	Weaver
Costello	Hammond	McCue	Rozan	Weber
Cuvillier	Hamn	McElligott	Sargent	Weimert
De Groot	Hawley	McFarlane	Schmidt	Wende
Donnelly	Hemenway	McGrath	Schutta	White L H
Draper	Herrick	McInerney	Scott	Whitley
Duell	Hoey	McKeon	Shea	Whitney
Eagleton	Howard	McLaughlin	Sheridan	Williams
Edwards	Jackson	Mead	Silbermann	Wood
Evans	Jordan	Merritt	Smith A E	Yale
Farrar	Joseph	Millen	Smith C	Young F L

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1355) entitled "An act to amend the Code of Civil Procedure, in relation to satisfying judgments against joint debtors." (Rec. No. 318.)

On motion of Mr. C. F. Murphy, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the



affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 140

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Klein	Miller J L	Smith F L
Barden	Filley	Lachman	Miller W G	Spielberg
Bates	Foley	Lanahan	Murphy C F	Staley
Baumann	Fowler	Lansing	Murphy F J	Stein
Baumes	Francis	Lazarus	Murray	Stern
Bennett	Frisbe	Lee	Neupert	Sullivan
Bohan	Garbe	Leffingwell	Nolan	Surpless
Boshart	Geoghegan	Levy A J	Odell	Thompson
Brady	Gillen	Levy J	Oliver	Thorn
Brown C F	Glore	Lewis	O'Neil	Todd
Brown G W	Glück	Lowe	Parker F B	Toombs
Burhyte	Goldberg	Lowman	Parker J S	Travis
Callan	Goodspeed	Lupton	Partridge	Voss
Caughlan	Graubard	MacGregor	Perkins	Waddell
Cheney	Gray	Manley	Phillips C W	Walters
Clarke	Green	Marks	Phillips J S	Ward
Colné	Gunderman	Marlatt	Reed	Waters
Conklin	Hackett	Martin	Robinson	Weaver
Costello	Hammond	McCue	Rozan	Weber
Cuvillier	Hamm	McElligott	Sargent	Weimert
De Groot	Hawley	McFarlane	Schmidt	Wende
Donnelly	Hemenway	McGrath	Schutta	White L H
Draper	Herrick	McInerney	Scott	Whitley
Duell	Hoey	McKeon	Shea	Whitney
Eagleton	Howard	McLaughlin	Sheridan	Williams
Edwards	Jackson	Mead	Silbermann	Wood
Evans	Jordan	Merritt	Smith A E	Yele
Farrar	Joseph	Millen	Smith C	Young F L

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1354) entitled "An act to amend the Penal Law, in relation to women." (Rec. No. 319.)

On motion of Mr. J. S. Phillips, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 140

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Klein	Miller J L	Smith F L
Barden	Filley	Lachman	Miller W G	Spielberg
Bates	Foley	Lanahan	Murphy C F	Staley
Baumann	Fowler	Lansing	Murphy F J	Stein
Baumes	Francis	Lazarus	Murray	Stern
Bennett	Frisbie	Lee	Neupert	Sullivan
Bohan	Garbe	Leffingwell	Nolan	Surpluss
Boshart	Geoghegan	Levy A J	Odell	Thompson
Brady	Gillen	Levy J	Oliver	Thorn
Brown C F	Glore	Lewis	O'Neil	Todd
Brown G W	Glück	Lowe	Parker F B	Toombs
Burhyte	Goldberg	Lowman	Parker J S	Travis
Callan	Goodspeed	Lupton	Partridge	Voss
Caughlan	Graubard	MacGregor	Perkins	Waddell
Cheney	Gray	Manley	Phillips C W	Walters
Clarke	Green	Marks	Phillips J S	Ward
Colné	Gunderman	Marlatt	Reed	Waters
Conklin	Hackett	Martin	Robinson	Weaver
Costello	Hammond	McCue	Rozan	Weber
Cuvillier	Hann	McElligott	Sargent	Weimert
De Groot	Hawley	McFarlane	Schmidt	Wende
Donnelly	Hemenway	McGrath	Schutta	White L H
Draper	Herrick	McInerney	Scott	Whitley
Duell	Hoey	McKeon	Shea	Whitney
Eagleton	Howard	McLaughlin	Sheridan	Williams
Edwards	Jackson	Mead	Silbermann	Wood
Evans	Jordan	Merritt	Smith A E	Yale
Farrar	Joseph	Millen	Smith C	Young F L

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 962) entitled "An act to provide for the construction of a bridge over the Erie canal at Georgia street in the city of Buffalo and making an appropriation therefor." (Rec. No. 321.)

On motion of Mr. MacGregor, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 140

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Klein	Miller J L	Smith F L
Barden	Filley	Lachman	Miller W G	Spielberg
Bates	Foley	Lanahan	Murphy C F	Staley
Baumann	Fowler	Lansing	Murphy F J	Stein
Baumes	Francis	Lazarus	Murray	Stern
Bennett	Frisbie	Lee	Neupert	Sullivan
Bohan	Garbe	Leffingwell	Nolan	Surplless
Boshart	Geoghegan	Levy A J	Odell	Thompson
Brady	Gillen	Levy J	Oliver	Thorn
Brown C F	Glore	Lewis	O'Neil	Todd
Brown G W	Glück	Lowe	Parker F B	Toombs
Burhyte	Goldberg	Lowman	Parker J S	Travis
Callan	Goodspeed	Lupton	Partridge	Voss
Caughlan	Graubard	MacGregor	Perkins	Waddell
Cheney	Gray	Manley	Phillips C W	Walters
Clarke	Green	Marks	Phillips J S	Ward
Colné	Gunderman	Marlatt	Reed	Waters
Conklin	Hackett	Martin	Robinson	Weaver
Costello	Hammond	McCue	Rozan	Weber
Cuvillier	Hamm	McElligott	Sargent	Weimert
De Groot	Hawley	McFarlane	Schmidt	Wende
Donnelly	Hemenway	McGrath	Schutta	White L H
Draper	Herrick	McInerney	Scott	Whitley
Duell	Hoey	McKeon	Shea	Whitney
Eagleton	Howard	McLaughlin	Sheridan	Williams
Edwards	Jackson	Mead	Silbermann	Wood
Evans	Jordan	Merritt	Smith A E	Yale
Farrar	Joseph	Millen	Smith C	Young F L

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1168) entitled "An act to amend chapter forty-seven of the Laws of nineteen hundred and nine, entitled 'An act relating to prisons, constituting chapter forty-three of the Consolidated Laws,' relating to the appointment and compensation of the president." (Rec. No. 228.)

On motion of Mr. Waters, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.



AYES 139

NOES 1

Those who voted in the affirmative were:

Allen	Fay	Lachman	Miller W G	Spielberg
Barden	Filley	Lanahan	Murphy C F	Staley
Bates	Foley	Lansing	Murphy F J	Stein
Baumann	Fowler	Lazarus	Murray	Stern
Baumes	Francis	Lee	Neupert	Sullivan
Bennett	Garbe	Leffingwell	Nolan	Surpless
Bohan	Geoghegan	Levy A J	Odell	Thompson
Boshart	Gillen	Levy J	Oliver	Thorn
Brady	Glore	Lewis	O'Neil	Todd
Brown C F	Gluck	Lowe	Parker F B	Toombs
Brown G W	Goldberg	Lowman	Parker J S	Travis
Burhyte	Goodspeed	Lupton	Partridge	Voss
Callan	Graubar	MacGregor	Perkins	Waddell
Caughlan	Gray	Manley	Phillips C W	Walters
Cheney	Green	Marks	Phillips J S	Ward
Clarke	Gunderman	Marlatt	Reed	Waters
Colné	Hackett	Martin	Robinson	Weaver
Conklin	Hammond	McCue	Rozan	Weber
Costello	Hamn	McElligott	Sargent	Weimert
Cuvillier	Hawley	McFarlane	Schmidt	Wende
De Groot	Hemenway	McGrath	Schutta	White L H
Donnelly	Herrick	McInerney	Scott	Whitley
Draper	Hoey	McKeon	Shea	Whitney
Duell	Howard	McLaughlin	Sheridan	Williams
Eagleton	Jackson	Mead	Silbermann	Wood
Edwards	Jordan	Merritt	Smith A E	Yale
Evans	Joseph	Millen	Smith C	Young F L
Farrar	Klein	Miller J L	Smith F L	

In the negative:

Frisbie

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 764, Assembly reprint No. 2327) entitled "An act to amend the Agricultural Law, in relation to suppression of infectious and contagious diseases of domestic animals." (Rec. No. 155.)

On motion of Mr. Boshart, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 140

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Klein	Miller J L	Smith F L
Barden	Filley	Lachman	Miller W G	Spielberg
Bates	Foley	Lanahan	Murphy C F	Staley
Baumann	Fowler	Lansing	Murphy F J	Stein
Baumes	Francis	Lazarus	Murray	Stern
Bennett	Frisbie	Lee	Neupert	Sullivan
Bohan	Garbe	Leffingwell	Nolan	Surpless
Boshart	Geoghegan	Levy A J	Odell	Thompson
Brady	Gillen	Levy J	Oliver	Thorn
Brown C F	Glore	Lewis	O'Neil	Todd
Brown G W	Glück	Lowe	Parker F B	Toombs
Burhyte	Goldberg	Lowman	Parker J S	Travis
Callan	Goodspeed	Lupton	Partridge	Voss
Caughlan	Graubard	MacGregor	Perkins	Waddell
Cheney	Gray	Manley	Phillips C W	Walters
Clarke	Green	Marks	Phillips J S	Ward
Colné	Gunderman	Marlatt	Reed	Water
Conklin	Hackett	Martin	Robinson	Weaver
Costello	Hammond	McCue	Rozan	Weber
Cuvillier	Hamn	McElligott	Sargent	Weimert
De Groot	Hawley	McFarlane	Schmidt	Wende
Donnelly	Hemenway	McGrath	Schutta	White L H
Draper	Herrick	McInerney	Scott	Whitley
Duell	Hoey	McKeon	Shea	Whitney
Eagleton	Howard	McLaughlin	Sheridan	Williams
Edwards	Jackson	Mead	Silberman	Wood
Evans	Jordan	Merritt	Smith A I	Yale
Farrar	Joseph	Millen	Smith C	Young F L

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same, with amendments.

Mr. Speaker announced the special order, being the Senate bill (No. 1157) entitled "An act to amend the Agricultural Law, entitled 'An act in relation to agriculture, constituting chapter one of the Consolidated Laws,' in relation to regulations, the enforcement thereof and expenses incurred by sheriff." (Rec. No. 325.)

On motion of Mr. Boshart, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 140

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Klein	Miller J L	Smith F L
Barden	Filley	Lachman	Miller W G	Spielberg
Bates	Foley	Lanahan	Murphy C F	Staley
Baumann	Fowler	Lansing	Murphy F J	Stein
Baumes	Francis	Lazarus	Murray	Stern
Bennett	Frisbie	Lee	Neupert	Sullivan
Bohan	Garbe	Leffingwell	Nolan	Surpless
Boshart	Geoghegan	Levy A J	Odell	Thompson
Brady	Gillet	Levy J	Oliver	Thorn
Brown C F	Glore	Lewis	O'Neil	Todd
Brown G W	Glück	Lowe	Parker F B	Toombs
Burhyte	Goldberg	Lowman	Parker J S	Travis
Callan	Goodspeed	Lupton	Partridge	Voss
Caughlan	Graubard	MacGregor	Perkins	Waddell
Cheney	Gray	Manley	Phillips C W	Walters
Clarke	Green	Marks	Phillips J S	Ward
Colné	Gunderman	Marlatt	Reed	Waters
Conklin	Hackett	Martin	Robinson	Weaver
Costello	Hammond	McCue	Rozan	Weber
Cuvillier	Hamn	McElligott	Sargent	Weimert
De Groot	Hawley	McFarlane	Schmidt	Wende
Donnelly	Hemenway	McGrath	Schutta	White L H
Drape	Herrick	McInerney	Scott	Whitley
Duell	Hoey	McKeon	Shea	Whitney
Eagleton	Howard	McLaughlin	Sheridan	Williams
Edwards	Jackson	Mead	Silbermann	Wood
Evans	Jordan	Merritt	Smith A E	Yale
Farrar	Joseph	Millen	Smith C	Young F L

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1327) entitled "An act to provide a building at the New York Agricultural Experiment Station, and making an appropriation therefor." (Rec. No. 324.)

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.



AYES 140

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Klein	Miller J L	Smith F L
Barden	Filley	Lachman	Miller W G	Spielberg
Bates	Foley	Lanahan	Murphy C F	Staley
Baumann	Fowler	Lansing	Murphy F J	Stein
Baumes	Francis	Lazarus	Murray	Stern
Bennett	Frisbie	Lee	Neupert	Sullivan
Bohan	Garbe	Leffingwell	Nolan	Surplless
Boshart	Geoghegan	Levy A J	Odell	Thompson
Brady	Gillen	Levy J	Oliver	Thorn
Brown C F	Glore	Lewis	O'Neil	Todd
Brown G W	Glück	Lowe	Parker F B	Toombs
Burhyte	Goldberg	Lowman	Parker J S	Travis
Callan	Goodspeed	Lupton	Partridge	Voss
Caughlan	Graubard	MacGregor	Perkins	Waddell
Cheney	Gray	Manley	Phillips C W	Walters
Clarke	Green	Marks	Phillips J S	Ward
Colné	Gunderman	Marlatt	Reed	Waters
Conklin	Hackett	Martin	Robinson	Weaver
Costello	Hammond	McCue	Rozan	Weber
Cuvillier	Hamm	McElligott	Sargent	Weimert
De Groot	Hawley	McFarlane	Schmidt	Wende
Donnelly	Hemenway	McGrath	Schutta	White L H
Draper	Herrick	McInerney	Scott	Whitley
Duell	Hoey	McKeon	Shea	Whitney
Eagleton	Howard	McLaughlin	Sheridan	Williams
Edwards	Jackson	Mead	Silbermann	Wood
Evans	Jordan	Merritt	Smith A E	Yale
Farrar	Joseph	Millen	Smith C	Young F L

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1415) entitled "An act to repeal sections one, two and three of chapter three hundred and nineteen of the Laws of nineteen hundred and one, relative to the sale of unclaimed articles of baggage in hotels, and to amend section two hundred of chapter thirty-eight of the Laws of nineteen hundred and nine, entitled 'An act in relation to liens, constituting chapter thirty-three of the Consolidated Laws,' and providing for the manner in which the lien of hotelkeepers and others may be enforced and also providing for the sale of unclaimed property left with hotelkeepers and others." (Rec. No. 327.)

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 139

NOES 00

Those who voted in the affirmative were:

Allen	Filley	Lachman	Miller W G	Spielberg
Barden	Foley	Lanahan	Murphy C F	Staley
Bates	Fowler	Lansing	Murphy F J	Stein
Baummann	Francis	Lazarus	Murray	Stern
Baumes	Frisbie	Lee	Neupert	Sullivan
Bennett	Garbe	Leffingwell	Nolan	Surpless
Bohan	Geoghegan	Levy A J	Odell	Thompson
Boshart	Gillen	Levy J	Oliver	Thorn
Brady	Glore	Lewis	O'Neil	Todd
Brown G W	Glück	Lowe	Parker F B	Toombs
Burhyte	Goldberg	Lowman	Parker J S	Travis
Callan	Goodspeed	Lupton	Partridge	Voss
Caughlan	Graubard	MacGregor	Perkins	Waddell
Cheney	Gray	Manley	Phillips C W	Walters
Clarke	Green	Marks	Phillips J S	Ward
Colné	Gunderman	Marlatt	Reed	Waters
Conklin	Hackett	Martin	Robinson	Weaver
Costello	Hammond	McCue	Rozan	Weber
Cuvillier	Hamn	McElligott	Sargent	Weimert
De Groot	Hawley	McFarlane	Schmidt	Wende
Donnelly	Hemenway	McGrath	Schutta	White L H
Draper	Herrick	McInerney	Scott	Whitley
Duell	Hoey	McKeon	Shea	Whitney
Eagleton	Howard	McLaughlin	Sheridan	Williams
Edwards	Jackson	Mead	Silbermann	Wood
Evans	Jordan	Merritt	Smith A E	Yale
Farrar	Joseph	Millen	Smith C	Young F L
Fay	Klein	Miller J L	Smith F L	

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1015) entitled "An act to amend an act, entitled 'An act to establish the Hudson-Fulton celebration commission, and to prescribe the powers and duties thereof, and making an appropriation therefor,' which became a law April twenty-seven, nineteen hundred and six, being chapter three hundred and twenty-five of the Laws of nineteen hundred and six." (Rec. No. 203.)

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 139

NOES 00

Those who voted in the affirmative were:

Allen	Filley	Lachman	Miller W G	Spielberg
Barden	Foley	Lanahan	Murphy C F	Staley
Bates	Fowler	Lansing	Murphy F J	Stein
Baummann	Francis	Lazarus	Murray	Stern
Baumes	Frisbie	Lee	Neupert	Sullivan
Bennett	Garbe	Leffingwell	Nolan	Surpless
Bohan	Geoghegan	Levy A J	Odell	Thompson
Boshart	Gillen	Levy J	Oliver	Thorn
Brady	Glore	Lewis	O'Neil	Todd
Brown G W	Glück	Lowe	Parker F B	Toombs.
Burhyte	Goldberg	Lowman	Parker J S	Travis
Callan	Goodspeed	Lupton	Partridge	Voss
Caughlan	Graubard	MacGregor	Perkins	Waddell
Cheney	Gray	Manley	Phillips C W	Walters
Clarke	Green	Marks	Phillips J S	Ward
Colné	Gunderman	Marlatt	Reed	Waters
Conklin	Hackett	Martin	Robinson	Weaver
Costello	Hammond	McCue	Rozan	Weber
Cuvillier	Hamn	McElligott	Sargent	Weimert
De Groot	Hawley	McFarlane	Schmidt	Wende
Donnelly	Hemenway	McGrath	Schutta	White L H
Draper	Herrick	McInerney	Scott	Whitley
Duell	Hoey	McKeon	Shea	Whitney
Eagleton	Howard	McLaughlin	Sheridan	Williams
Edwards	Jackson	Mead	Silbermann	Wood
Evans	Jordan	Merritt	Smith A E	Yale
Farrar	Joseph	Millen	Smith C	Young F L
Fay	Klein	Miller J L	Smith F L	

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 671) entitled "Concurrent resolution of the Senate and Assembly proposing an amendment to section ten of article eight of the Constitution relating to the limitation of the indebtedness of cities and excepting certain kinds of bonds from computation of the debt of a city for purposes of such limitation." (Rec. No. 220.)

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree



to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 126

NOES 13

Those who voted in the affirmative were:

Allen	Fowler	Lachman	Miller W G	Smith M
Barden	Francis	Lanahan	Murphy C F	Spielberg
Baumann	Frisbie	Lansing	Murphy F J	Staley
Baumes	Garbe	Lazarus	Murray	Stein
Bohan	Geoghegan	Lee	Neupert	Stern
Brown C F	Glore	Leffingwell	Nolan	Sullivan
Brown G W	Glück	Levy A J	Oliver	Surpless
Burhyte	Goldberg	Levy J	O'Neil	Thompson
Callan	Goodspeed	Lewis	Parker F B	Thorn
Caughlan	Graubard	Lowe	Parker J S	Todd
Cheney	Green	Lowman	Partridge	Toombs
Clarke	Gunderman	Lupton	Perkins	Travis
Colné	Hackett	MacGregor	Phillips C W	Voss
Costello	Haines	Manley	Phillips J S	Walters
Cuvillier	Hammond	Marks	Reed	Ward
De Groot	Hamm	Marlatt	Sanner	Waters
Donnelly	Hawley	Martin	Sargent	Weber
Draper	Hemenway	McCue	Schmidt	Weimert
Eagleton	Herrick	McElligott	Schutta	Wende
Edwards	Hoey	McFarlane	Scott	White L H
Evans	Howard	McGrath	Shea	Whitley
Farrar	Jackson	McInerney	Sheridan	Whitney
Fay	Jordan	McKeon	Smith A E	Williams
Fellows	Joseph	McLaughlin	Smith C	Wood
Filley	Klein	Millen	Smith F L	Young E
Foley				

Those who voted in the negative were:

Bates	Conklin	Merritt	Robinson	Yale
Bennett	Duell	Miller J L	Weaver	Young F L
Brady	Mead	Odell		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

The Senate returned the Assembly bill (No. 1795, Senate reprint No. 1446, Int. No. 1446) entitled "An act to extend the time of the Watertown and Carthage Traction Company to complete the construction of its road and extensions, and put the same in operation," with a message that they have concurred in the passage of the same, with the following amendment:

Page 1, after line 6, insert "§ 2. This act shall take effect immediately."

Mr. Wood moved to concur in the Senate amendment.

Mr. Speaker put the question whether the House would concur in said amendment, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 139

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Lanahan	Murphy C F	Spielberg
Barden	Filley	Lansing	Murphy F J	Staley
Bates	Foley	Lazarus	Murray	Stein
Baumann	Fowler	Lee	Neupert	Stern
Baumes	Francis	Leffingwell	Nolan	Sullivan
Bennett	Frisbie	Levy A J	Odell	Surpless
Bohan	Garbe	Levy J	Oliver	Thompson
Boshart	Geoghegan	Lewis	O'Neil	Thorn
Brady	Glore	Lowe	Parker F B	Todd
Brown C F	Glück	Lowman	Parker J S	Toombs
Brown G W	Goldberg	Lupton	Partridge	Travis
Burhyte	Goodspeed	MacGregor	Perkins	Voss
Callan	Graubard	Manley	Phillips C W	Waddell
Caughlan	Gray	Marks	Phillips J S	Walters
Cheney	Green	Marlatt	Reed	Ward
Clarke	Gunderman	Martin	Robinson	Waters
Colné	Hackett	McCue	Rozan	Weaver
Conklin	Hammond	McElligott	Sanner	Weber
Costello	Hamn	McFarlane	Sargent	Weimert
Cuvillier	Hawley	McGrath	Schmidt	Wende
De Groot	Hemenway	McInerney	Schutta	White L H
Donnelly	Hoey	McKeon	Scott	Whitley
Draper	Howard	McLaughlin	Shea	Whitney
Duell	Jackson	Mead	Sheridan	Williams
Eagleton	Jordan	Merritt	Silbermann	Wood
Edwards	Joseph	Millen	Smith A E	Yale
Evans	Klein	Miller J L	Smith C	Young F L
Farrar	Lachman	Miller W G	Smith F L	

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendment of the Senate thereto.

The Senate returned the Assembly bill (No. 2053, Senate reprint No. 1525, Int. No. 950) entitled "An act to amend the Election Law, in relation to registration and voting in cities of the first and second class," with a message that they have concurred in the passage of the same, with the following amendments:

Page 4, line 13, before the word "if" strike out "the".

Page 4, line 21, after "prosecute." strike out "the" and the balance of said line and the rest of the page.

Page 5, strike out all of lines 1 to 7 inclusive.

Page 7, line 12, after "employment," insert "except applicants for theatrical, vaudeville or circus engagements, or other entertainments of the stage," and strike out the bracket before "exceed".

Page 7, line 16, strike out "the" after "paid."

Page 7, line 17, before "exceed" insert "The gross fees charged applicants for theatrical, vaudeville or circus engagements or other entertainments of the stage, shall not".

Page 7, line 26, after "engagement" strike out "the", and insert "except when such engagement is unfulfilled through any act within the control of the applicant for such engagement."

Page 14, line 13, after "seventy" insert "one hundred seventy-four".

Objection being made to the immediate consideration of said message,

Ordered, That said bill and said message be referred to the committee on rules.

A message was received from the Senate, in words following:

IN SENATE, *April 23, 1909.*

Pursuant to concurrent resolution of the Senate and Assembly, the Governor returned the Senate bill (No. 208, reprint No. 1443, Rec. No. 33), entitled "An act to amend the Code of Civil Procedure, in relation to extracts from the books and records of the Comptroller's office as evidence."

The vote upon the final passage of the said bill having been reconsidered, on motion of Mr. Grattan, and by unanimous consent, the same was amended as follows:

Strike out title and insert "An act to amend the Code of Civil Procedure, in relation to extracts from books and records of the Comptroller's office as evidence."

Page 1, line 1, after "Section 1." insert "The Code of Civil Procedure is hereby amended by adding, after section nine hundred and thirty-one-b, a new section, to be section nine hundred and thirty-one-c thereof, to read as follows:

"§ 931-c. Extracts from books and records of Comptroller's office as evidence."

Page 1, line 1, before the word "Comptroller" insert "State".

Said bill, as amended, was reprinted, re-engrossed, and, having been on the desks of the members three legislative days, was passed and ordered sent to the Assembly for concurrence.

By order of the Senate,

LAFAYETTE B. GLEASON,

*Clerk.*



Said bill having been announced, Mr. Waters moved to reconsider the vote by which said bill was passed.

Mr. Speaker put the question whether the House would agree to the reconsideration of the vote on the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 140

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Klein	Miller J L	Smith F L
Barden	Filley	Lachman	Miller W G	Spielberg
Bates	Foley	Lanahan	Murphy C F	Staley
Baumann	Fowler	Lansing	Murphy F J	Stein
Baumes	Francis	Lazarus	Murray	Stern
Bennett	Frisbie	Lee	Neupert	Sullivan
Bohan	Garbe	Leffingwell	Nolan	Surpless
Boshart	Geoghegan	Levy A J	Odell	Thompson
Brady	Gillen	Levy J	Oliver	Thorn
Brown C F	Glore	Lewis	O'Neil	Todd
Brown G W	Glück	Lowe	Parker F B	Toombs
Burhyte	Goldberg	Lowman	Parker J S	Travis
Callan	Goodspeed	Lupton	Partridge	Voss
Caughlan	Graubard	MacGregor	Perkins	Waddell
Cheney	Gray	Manley	Phillips C W	Walters
Clarke	Green	Marks	Phillips J S	Ward
Colné	Gunderman	Marlatt	Reed	Waters
Conklin	Hackett	Martin	Robinson	Weaver
Costello	Hammond	McCue	Rozan	Weber
Cuvillier	Hann	McElligott	Sargent	Weimert
De Groot	Hawley	McFarlane	Schmidt	Wende
Donnelly	Hemenway	McGrath	Schutta	White L H
Draper	Herrick	McInerney	Scott	Whitley
Duell	Hoey	McKeon	Shea	Whitney
Eagleton	Howard	McLaughlin	Sheridan	Williams
Edwards	Jackson	Mead	Silbermann	Wood
Evans	Jordan	Merritt	Smith A E	Yale
Farrar	Joseph	Millen	Smith C	Young F L

Said bill, as amended, was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 140

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Klein	Miller J L	Smith F L
Barden	Filley	Lachman	Miller W G	Spielberg
Bates	Foley	Lanahan	Murphy C F	Staley
Baumann	Fowler	Lansing	Murphy F J	Stein
Baumes	Francis	Lazarus	Murray	Stern
Bennett	Frisbie	Lee	Neupert	Sullivan
Bohan	Garbe	Leffingwell	Nolan	Surpless
Boshart	Geoghegan	Levy A J	Odell	Thompson
Brady	Gillen	Levy J	Oliver	Thorn
Brown C F	Glore	Lewis	O'Neil	Todd
Brown G W	Glück	Lowe	Parker F B	Toombs
Burhyte	Goldberg	Lowman	Parker J S	Travis
Callan	Goodspeed	Lupton	Partridge	Voss
Caughlan	Graubard	MacGregor	Perkins	Waddell
Cheney	Gray	Manley	Phillips C W	Walters
Clarke	Green	Marks	Phillips J S	Ward
Colné	Gunderman	Marlatt	Reed	Waters
Conklin	Hackett	Martin	Robinson	Weaver
Costello	Hammond	McCue	Rozan	Weber
Cuvillier	Hamm	McElligott	Sargent	Weimert
De Groot	Hawley	McFarlane	Schmidt	Wende
Donnelly	Hemenway	McGrath	Schutta	White L H
Draper	Herrick	McInerney	Scott	Whitley
Duell	Hoey	McKeon	Shea	Whitney
Eagleton	Howard	McLaughlin	Sheridan	Williams
Edwards	Jackson	Mead	Silbermann	Wood
Evans	Jordan	Merritt	Smith A E	Yale
Farrar	Joseph	Millen	Smith C	Young F L

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have reconsidered their vote on the final passage of said bill, and, as amended, have again passed the same.

A message was received from the Senate in words following:

IN SENATE, *April 26, 1909.*

Pursuant to concurrent resolution of the Senate and Assembly, the Governor returned the Senate bill (No. 546, reprint No. 1497, Rec. No. 117), entitled "An act to amend the Tax Law, in relation to the dismissal of suits or proceedings brought to collect a personal tax in arrears."

The vote upon the final passage of the said bill having been reconsidered, on motion of Mr. Brough, and by unanimous consent, the same was amended as follows:

Page 1, line 9, strike out the bracket before the word "for".

Page 2, line 1, after the word "facts" insert the words "as they existed either before or after the assessment was made".

Page 2, line 1, strike out the bracket after the word "just", and also strike out the balance of line.

Page 2, line 2, strike out all italicized matter.

Page 2, line 3, insert a comma after the word "paid".

Page 2, line 3, strike out the brackets about the word "court", and before the word "may" strike out the words "said justice".

Page 2, line 4, insert a comma after "absolutely" and after "costs".

Said bill, as amended, was reprinted, re-engrossed, and, having been on the desks of the members three legislative days, was passed and ordered sent to the Assembly for concurrence.

By order of the Senate,

LAFAYETTE B. GLEASON,

*Clerk.*

Said bill having been announced, Mr. Toombs moved to reconsider the vote by which said bill was passed.

Mr. Speaker put the question whether the House would agree to the reconsideration of the vote on the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 140

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Klein	Miller J L	Smith F L
Barden	Filley	Lachman	Miller W G	Spielberg
Bates	Foley	Lanahan	Murphy C F	Staley
Baumann	Fowler	Lansing	Murphy F J	Stein
Baumes	Francis	Lazarus	Murray	Stern
Bennett	Frisbie	Lee	Neupert	Sullivan
Bohan	Garbe	Leffingwell	Nolan	Surpless
Boshart	Geoghegan	Levy A J	Odell	Thompson
Brady	Gillen	Levy J	Oliver	Thorn
Brown C F	Glore	Lewis	O'Neil	Todd
Brown G W	Glück	Lowe	Parker F B	Toombs
Burhyte	Goldberg	Lowman	Parker J S	Travis
Callan	Goodspeed	Lupton	Partridge	Voss
Caughlan	Graubard	MacGregor	Perkins	Waddell
Cheney	Gray	Manley	Phillips C W	Walters
Clarke	Green	Marks	Phillips J S	Ward
Colné	Gunderman	Marlatt	Reed	Waters
Conklin	Hackett	Martin	Robinson	Weaver
Costello	Hammond	McCue	Rozan	Weber
Cuvillier	Hamm	McElligott	Sargent	Weimert
De Groot	Hawley	McFarlane	Schmidt	Wende
Donnelly	Hemenway	McGrath	Schutta	White L H
Draper	Herrick	McInerney	Scott	Whitley
Duell	Hoey	McKeon	Shea	Whitney
Eagleton	Howard	McLaughlin	Sheridan	Williams
Edwards	Jackson	Mead	Silbermann	Wood
Evans	Jordan	Merritt	Smith A E	Yale
Farrar	Joseph	Millen	Smith C	Young F L



Said bill, as amended, was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 140

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Klein	Miller J L	Smith F L
Barden	Filley	Lachman	Miller W G	Spielberg
Bates	Foley	Lanahan	Murphy C F	Staley
Baumann	Fowler	Lansing	Murphy F J	Stein
Baumes	Francis	Lazarus	Murray	Stern
Bennett	Frisbie	Lee	Neupert	Sullivan
Bohan	Garbe	Leffingwell	Nolan	Surpless
Boshart	Geoghegan	Levy A J	Odell	Thompson
Brady	Gillen	Levy J	Oliver	Thorn
Brown C F	Glore	Lewis	O'Neil	Todd
Brown G W	Glück	Lowe	Parker F B	Toombs
Burhyte	Goldberg	Lowman	Parker J S	Travis
Callan	Goodspeed	Lupton	Partridge	Voss
Caughlan	Graubard	MacGregor	Perkins	Waddell
Cheney	Gray	Manley	Phillips C W	Walters
Clarke	Green	Marks	Phillips J S	Ward
Colné	Gunderman	Marlatt	Reed	Waters
Conklin	Hackett	Martin	Robinson	Weaver
Costello	Hammond	McCue	Rozan	Weber
Cuvillier	Hamm	McElligott	Sargent	Weimert
De Groot	Hawley	McFarlane	Schmidt	Wende
Donnelly	Hemenway	McGrath	Schutta	White I. H
Draper	Herrick	McInerney	Scott	Whitley
Duell	Hoey	McKeon	Shea	Whitney
Eagleton	Howard	McLaughlin	Sheridan	Williams
Edwards	Jackson	Mead	Silbermann	Wood
Evans	Jordan	Merritt	Smith A E	Yale
Farrar	Joseph	Millen	Smith C	Young F L

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have reconsidered their vote on the final passage of said bill, and, as amended, have again passed the same.

A communication from the Governor was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER,

ALBANY, April 22, 1909.

*To the Assembly:*

Pursuant to concurrent resolution of the Senate and Assembly,

herewith is returned for amendment Assembly bill (No. 1396, Int. No. 373), entitled "An act to amend the Railroad Law, in relation to the protection of street railroad employees in the counties of Kings and Queens."

CHARLES E. HUGHES.

A communication from the Governor was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER,

ALBANY, April 23, 1909.

*To the Assembly:*

Pursuant to concurrent resolution of the Senate and Assembly, herewith is returned for amendment, Assembly bill (No. 1180, Int. No. 1040), entitled "An act to amend the Banking Law, relative to the assessment and payment of department expenses and supervision of personal loan associations."

CHARLES E. HUGHES.

A communication from the Governor was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER,

ALBANY, April 23, 1909.

*To the Assembly:*

Pursuant to concurrent resolution of the Senate and Assembly, herewith is returned for amendment, Assembly bill (No. 996, Int. No. 538), entitled "An act to amend the Code of Civil Procedure, in regard to appeals in the City Court of the city of New York."

CHARLES E. HUGHES.

A communication from the Governor was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER,

ALBANY, April 27, 1909.

*To the Assembly:*

Pursuant to concurrent resolution of the Senate and Assembly, herewith is returned for transmission to the city, Assembly bill (No. 2310, Int. No. 1725), entitled "An act to amend chapter

four of the Laws of eighteen hundred and ninety-one, entitled 'An act to provide for rapid transit railways in cities of over one million inhabitants,' generally."

CHARLES E. HUGHES.

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of New York.

A communication from the Governor was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER,

ALBANY, April 27, 1909.

*To the Assembly:*

Pursuant to concurrent resolution of the Senate and Assembly, herewith is returned for amendment, Assembly bill (No. 1674, Int. No. 1369), entitled "An act to incorporate the Bible House at Mooers, Clinton county."

CHARLES E. HUGHES.

A communication from the Governor was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER,

ALBANY, April 22, 1909.

*To the Assembly:*

Pursuant to concurrent resolution of the Senate and Assembly, herewith is returned for amendment, Assembly bill (No. 1901, Int. No. 1357), entitled "An act to amend the Civil Service Law, in relation to the officers and employees of the Commission."

CHARLES E. HUGHES.

Mr. Foley offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That Assembly bill (No. 996, Int. No. 538), entitled "An act to amend the Code of Civil Procedure, in regard to appeals in the City Court of the city of New York," be returned to the Governor.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.



Mr. Francis offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That Assembly bill (No. 1180, Int. No. 1040), entitled "An act to amend the Banking Law, relative to the assessment and payment of department expenses and supervision of personal loan associations," be returned to the Governor.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. J. S. Phillips offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That Assembly bill (No. 1901, Int. No. 1357), entitled "An act to amend the Civil Service Law, in relation to the officers and employees of the Commission," be returned to the Governor.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. Surpless offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That Assembly bill (No. 1396, Int. No. 373), entitled "An act to amend the Railroad Law, in relation to the protection of street railroad employees in the counties of Kings and Queens," be returned to the Governor.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

The Senate sent for concurrence a resolution, in the words following:

IN SENATE, ALBANY, *April 27, 1909.*

Resolved (if the Assembly concur), That a respectful message be sent to the Governor, requesting the return of Senate bill (No.

884, Rec. No. 130), entitled "An act to amend the Village Law, generally," for the purpose of amendment.

By order of the Senate,

LAFAYETTE B. GLEASON,  
*Clerk.*

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk return said resolution to the Senate, with a message that the Assembly have concurred in the passage of the same.

The Senate sent for concurrence a resolution, in the words following:

IN SENATE, ALBANY, *April 27, 1909.*

Resolved (if the Assembly concur), That a respectful message be sent to the mayor of the city of Syracuse, requesting the return of Senate bill (No. 903, Rec. No. 182), entitled "An act to amend chapter one hundred and four of the Laws of nineteen hundred and two, entitled 'An act for the reorganization and reincorporation of the Syracuse Women's Hospital and Training School for Nurses and for a change of its corporate name to "Syracuse Hospital for Women and Children,"' in relation to the object of such corporation," for the purpose of transmission to the Governor.

By order of the Senate,

LAFAYETTE B. GLEASON,  
*Clerk.*

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk return said resolution to the Senate, with a message that the Assembly have concurred in the passage of the same.

The Senate returned the bill (No. 922, reprint No. 2268, Int. No. 82), entitled "An act to amend chapter three hundred and one of the Laws of nineteen hundred and three, entitled 'An act authorizing and empowering the park commissioner of the borough of the Bronx, New York city, in his discretion, to lease certain lands in McCombs Dam park to any athletic or boat club or association for the establishment of a public recreation ground for outdoor athletics, et cetera,' in relation to leases in Pelham Bay

park," with a message that they have reconsidered their vote by which said bill passed, and, as amended, have again passed the same.

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of New York.

Also, the bill (No. 2164, Int. No. 1634), entitled "An act making Cedar river in the counties of Essex and Hamilton a public highway," with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk deliver said bill to the Governor.

The Senate returned the Assembly bill (No. 1391, Senate reprint No. 1361, Int. No. 995), entitled "An act to amend the Religious Corporations Law, relative to the incorporation and government of Holy Orthodox Greek Catholic Apostolic churches."

Also, Assembly bill (No. 657, Senate reprint No. 1227, Int. No. 616), entitled "An act to amend chapter three hundred and thirty-eight of the Laws of eighteen hundred and ninety-seven, entitled 'An act to regulate and protect the planting of oysters in the public waters of the town of Hempstead, in the county of Queens, in relation to terms and certificates of license to plant oysters and clams in the public waters of the said town of Hempstead, now in the county of Nassau.'"

Also, Assembly bill (No. 1732, Senate reprint No. 1378, Int. No. 343), entitled "An act to provide for the construction and maintenance of sewage disposal works in and for the town of Pelham."

Also, Assembly bill (No. 1495, Senate reprint No. 1410, Int. No. 276), entitled "An act to provide for the construction and tion to the payment of expenses of justices of Supreme Court designated to Appellate Division, in second department."

Ordered, That the Clerk deliver said bills to the Governor.

Also, Assembly bill (No. 1991, Senate reprint No. 1407, Int. No. 1306), entitled "An act to amend the Greater New York charter, in relation to the issue of corporate stock for current operating expenses."

Also, Assembly bill (No. 1548, Senate reprint No. 1403, Int. No. 1310), entitled "An act to amend the Greater New York charter, in relation to a uniform system of accounting."



Also, Assembly bill (No. 1745, Senate reprint No. 1404, Int. No. 1307), entitled "An act to amend the Greater New York charter in relation to deficiencies in collections of taxes."

Also, Assembly bill (No. 1547, Senate reprint No. 1402, Int. No. 1309), entitled "An act to amend the Greater New York charter in relation to the public improvement fund, and the issue of corporate stock instead of assessment bonds."

Ordered, That the Clerk transmit a certified copy of said bills to the mayor of the city of New York.

Also, Assembly bill (No. 1296, Senate reprint No. 1372, Int. No. 698), entitled "An act to amend chapter seven hundred and forty-seven of the Laws of eighteen hundred and ninety-six, entitled 'An act to revise and consolidate the several acts in relation to the city of Kingston, to revise the charter of said city, and to establish a city court therein and define its jurisdiction and powers' relative to the police force and police pension fund."

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of Kingston.

Also, Assembly bill (No. 1258, Senate reprint No. 1370, Int. No. 1105), entitled "An act to authorize the commissioners of the Home of the City and Town of Newburgh to raise moneys for building purposes."

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of Newburgh.

The Senate returned the concurrent resolution returning to the Governor Assembly bill (No. 1180, Int. No. 1040), entitled "An act to amend the Banking Law, relative to the assessment and payment of department expenses and supervision of personal loan associations," with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said bill to the Governor.

The Senate returned the concurrent resolution returning to the Governor Assembly bill (No. 996, Int. No. 538), entitled "An act to amend the Code of Civil Procedure, in regard to appeals in the City Court of the city of New York," with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said bill to the Governor.

The Senate returned the concurrent resolution returning to the Governor Assembly bill (No. 1396, Int. No. 373), entitled "An act to amend the Railroad Law, in relation to the protection of street railroad employees in the counties of Kings and Queens," with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said bill to the Governor.

The Senate returned the concurrent resolution returning to the Governor Assembly bill (No. 1901, Int. No. 1357), entitled "An act to amend the Civil Service Law, in relation to the officers and employees of the Commission," with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said bill to the Governor.

A communication was received from Hon. Augustus B. Santry, mayor of the city of Little Falls, returning Assembly bill (No. 771, Int. No. 48), entitled "An act to amend chapter five hundred and sixty-five of the Laws of eighteen hundred and ninety-five, entitled 'An act to incorporate the city of Little Falls,' relative to the salary of recorder," with a message that said bill has not been accepted by the mayor, and has been accepted by a majority of the common council, the legislative body of said city, and has not been accepted by said city.

Mr. Rozan gives notice that on Wednesday, April 28, 1909, he will call up Senate bill (No. 345, Rec. No. 32), entitled "An act authorizing and empowering the comptroller of the city of Buffalo to open and keep a special work account, and authorizing said city to issue or award its bonds for the purpose of raising money therefor," the same having been laid aside on the order of second reading.

On motion of Mr. Merritt, the House adjourned.

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### WEDNESDAY, APRIL 28, 1909.

The House met pursuant to adjournment.

Prayer by Rev. J. Addison Jones.

On motion of Mr. Merritt, the reading of the journal of yesterday was dispensed with and the same was approved.

Mr. Speaker presented the Twenty-second Annual Report of the Mohawk and Hudson River Humane Society, which was laid upon the table and ordered printed.

(See Assembly Document No. 72.)

Also, the Thirty-seventh Annual Report of the Le Conteulx St. Mary's Institution for the Improved Instruction of Deaf-mutes, which was laid upon the table and ordered printed.

(See Assembly Document No. 74.)

Mr. G. W. Brown gives notice that he requests that Assembly bill (No. 347, Int. No. 340), entitled "An act to provide for repairs, improvements and betterments to the State armory in the borough of Brooklyn in the city of New York, occupied by the Forty-seventh Regiment, National Guard, State of New York, and making an appropriation therefor," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on third reading.

Mr. Voss gives notice that he requests that Assembly bill (No. 2053, Senate reprint No. 1525, Int. No. 950), entitled "An act to amend the General Business Law, relative to employment agencies," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on third reading.

Mr. Bohan gives notice that he requests that Assembly bill (No. 2322, Int. No. 1732), entitled "An act to amend article eight of chapter thirty-three of the Consolidated Laws, known as the 'Lien Law' in relation to the discharge of a lien on personal property," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Frisbie gives notice that he requests that Assembly bill (No. 2284, Int. No. 1712), entitled "An act to establish a State school of agriculture at Cobleskill, Schoharie county, and making an appropriation therefor," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to



the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Hawley gives notice that he requests that Assembly bill (No. 1642, Int. No. 1352), entitled "An act to provide for the erection of a new armory building in the village of Malone, New York, the acquisition of a site for the same, and making an appropriation therefor; and providing for the sale of the old armory site and building and the application of the proceeds to such new building, and for other purposes relative to the same," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Merritt gives notice that he requests that Assembly bill (No. 2380, Int. No. 1755), entitled "An act to provide ways and means for the annual contribution to the highway improvement sinking fund," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Merritt gives notice that he requests that Assembly bill (No. 2381, Int. No. 1756), entitled "An act to provide ways and means for the annual contribution to the canal debt sinking funds," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Merritt gives notice that he requests that Assembly bill (No. 2382, Int. No. 1757), entitled "An act making an appropriation for the payment of interest on the debt for highway improvement contracted or to be contracted under article seven, section twelve of the Constitution, and as provided by law for the fiscal year beginning on the first day of October, nineteen hundred and eight," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Merritt gives notice that he requests that Assembly bill

(No. 2383, Int. No. 1758), entitled "An act making an appropriation for the payment of interest on the debt for highway improvement contracted or to be contracted under article seven, section twelve of the Constitution, and as provided by law, for the fiscal year beginning on the first day of October, nineteen hundred and nine," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Merritt gives notice that he requests that Assembly bill (No. 2384, Int. No. 1759), entitled "An act making an appropriation for the payment for the fiscal year beginning on the first day of October, nineteen hundred and nine, of interest on the canal debt contracted or to be contracted under article seven, section four of the Constitution," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Merritt gives notice that he requests that Assembly bill (No. 2385, Int. No. 1760), entitled "An act making an appropriation for the payment for the fiscal year beginning on the first day of October, nineteen hundred and eight, of interest on the canal debt contracted or to be contracted under article seven, section four of the Constitution," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. C. F. Murphy gives notice that he requests that Assembly bill (No. 2386, Int. No. 1761), entitled "An act to amend the Public Lands Law, in relation to persons entitled to petition for release in lands escheated to State," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. F. B. Parker gives notice that he requests that Assembly bill (No. 2221, Int. No. 1670), entitled "An act to amend the Education Law, in relation to the establishment of a State school of agriculture in Genesee county, providing for its management

and control, and making an appropriation therefor," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Oliver gives notice that he requests that Assembly bill (No. 2368, Int. No. 1754), entitled "An act to amend the General Municipal Law, in relation to the recovery of moneys paid for taxes and assessments in certain cases," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Merritt gives notice that he requests that the Senate bill introduced by Mr. Allds (No. 1496, Rec. No. 307), entitled "An act to amend the Highway Law, by repealing article eleven thereof and inserting a new article eleven, in relation to motor vehicles," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Gray gives notice that he requests that the Senate bill introduced by Mr. Allen (No. 1326, Rec. No. 306), entitled "An act to provide for granting pensions to soldiers, sailors and marines, who served in the army or navy of the United States, from the State of New York, in the Civil War, making provision for issuing bonds to the extent of two million dollars for the payment of such pensions, and providing for the submission of this act to a vote of the people at the general election to be held in nineteen hundred and nine," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Odell gives notice that he requests that the Senate bill introduced by Mr. Bayne (No. 675, Rec. No. 345), entitled "An act to amend chapter twenty-eight of the Consolidated Insurance Laws of nineteen hundred and nine, relating to partnership or association of underwriters known as Lloyds," a copy of which is hereto annexed, be made a special order, and asks that his



request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Merritt gives notice that he requests that the Senate bill introduced by committee on finance (No. 1473, Rec. No. 357), entitled "An act making an appropriation for the State Commission of Highways for the maintenance and repair of public highways improved or constructed by State aid," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Merritt gives notice that he requests that the Senate bill introduced by committee on finance (No. 1474, Rec. No. 356), entitled "An act making an appropriation for highway improvement purposes," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Francis gives notice that he requests that the Senate bill introduced by Mr. Hill (No. 1485, Rec. No. 340), entitled "An act to amend the Banking Law, in relation to deposits with Superintendent," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Sullivan gives notice that he requests that the Senate bill introduced by Mr. Hamilton (No. 1399, Rec. No. 275), entitled "An act to amend the Forest, Fish and Game Law, generally," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Perkins gives notice that he requests that the Senate bill introduced by Mr. Hinman (No. 1397, Assembly reprint No. 2374, Rec. No. 274), entitled "An act to amend the Second Class Cities Law, in relation to creating a building department," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Hammond gives notice that he requests that the Senate bill introduced by Mr. Holden (No. 1241, Rec. No. 322), entitled "An act to provide for the construction of a lift or hoist bridge over the Erie canal at Franklin street in the city of Syracuse, and making an appropriation therefor," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Frisbie gives notice that he requests that the Senate bill introduced by Mr. McCarren (No. 907, Rec. No. 152), entitled "An act to amend chapter five hundred and eighty of the Laws of nineteen hundred and two, entitled 'An act in relation to the Municipal Court of the city of New York, its officers and marshals,' in relation to appeals," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. J. L. Miller gives notice that he requests that the Senate bill introduced by Mr. Platt (No. 840, Assembly reprint No. 2059, Rec. No. 157), entitled "An act to amend the charter of the village of Bath, in relation to claims against the village, and electric wires," a copy of which is hereto annexed, be made a special order; and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on third reading.

Mr. Merritt gives notice that he requests that the Senate bill introduced by Mr. Rose (No. 1183, Rec. No. 351), entitled "An act to amend the Military Law, in relation to the militia of the State," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Hemenway gives notice that he requests that the Senate bill introduced by Mr. Raines (No. 1376, Rec. No. 350), entitled "An act relating to the Capitol Building and a suitable building for the Court of Appeals, and making an appropriation therefor," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the

purpose of making said bill a special order on second and third reading.

Mr. Baumes gives notice that he requests that the Senate bill introduced by Mr. Rose (No. 1317, Rec. No. 298), entitled "An act to amend chapter seven hundred and twenty-four of the Laws of nineteen hundred and five, entitled 'An act to provide for an additional supply of pure and wholesome water for the city of New York; and for the acquisition of lands or interest therein, and for the construction of the necessary reservoirs, dams, aqueducts, filters and other appurtenances for that purpose, and for the appointment of a commission with the powers and duties necessary and proper to attain these objects,' in relation to water for the city of Newburgh, and to confer jurisdiction upon the State Water Supply Commission in respect thereto," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Duell gives notice that he requests that the Senate bill introduced by Mr. Wainwright (No. 1127, Rec. No. 302), entitled "An act to amend the Poor Law, in relation to the method of estimating the sums to be raised by taxation in any town for the support of the poor therein," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Mead gives notice that he requests that the Senate bill introduced by Mr. Wainwright (No. 1387, Rec. No. 303), entitled "An act relative to the powers and duties of the trustees of public lands in the town of Rye, in Westchester county," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. F. L. Young gives notice that he requests that the Senate bill introduced by Mr. Wainwright (No. 1328, Rec. No. 331), entitled "An act to create a forest reservation in the Highlands of the Hudson, west of the Hudson river, to be known as the Highlands of the Hudson forest reservation, to provide for its regulation and making an appropriation therefor," a copy of which



is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

The Senate sent for concurrence the following entitled bills:

“An act to amend the Greater New York charter, relative to powers and duties of the commissioner of street cleaning” (No. 1480, Rec. No. 358), which was read the first time and referred to the committee on affairs of cities.

“An act to amend chapter six hundred and sixty-one of the Laws of nineteen hundred and six, entitled ‘An act to provide for a better arrangement, indexing and preservation of the records, documents, books, maps and papers, deposited or filed in the office of the clerk of the county of New York’” (No. 1522, Rec. No. 359), which was read the first time and referred to the committee on affairs of cities.

“An act to amend sections four hundred and thirty-eight and four hundred and thirty-nine of the Code of Civil Procedure, relative to service of summons without the State or by publication” (No. 1122, Rec. No. 360), which was read the first time and referred to the committee on codes.

“An act to amend the Agricultural Law, entitled ‘An act in relation to agriculture, constituting chapter one of the Consolidated Laws,’ in relation to dogs and domestic animals killed or damaged by dogs” (No. 1207, Rec. No. 361), which was read the first time and referred to the committee on agriculture.

“An act to amend the Penal Law, in relation to moving picture exhibitions” (No. 1492, Rec. No. 362), which was read the first time and referred to the committee on codes.

“An act to regulate loans on salaries of employees” (No. 159, Rec. No. 363), which was read the first time and referred to the committee on general laws.

“An act to amend the Forest, Fish and Game Law, in relation to the protection of great blue heron” (No. 1199, Rec. No. 364), which was read the first time and referred to the committee on fisheries and game.

“An act to amend the charter of the city of Albany; to extend the westerly boundary of the city of Albany; to provide for an approach to the new territory, and to amend the Tax Law, relating

to said city" (No. 1519, Rec. No. 365), which was read the first time and referred to the committee on affairs of cities.

"An act relating to the city of Binghamton and its contracts with the Binghamton and Port Dickinson Railroad Company and the Binghamton Street Railroad Company ratified, by section ninety-three of the Railroad Law, and the rights and liabilities of said city under such contracts" (No. 477, Rec. No. 366), which was read the first time and referred to the committee on railroads.

"An act to repeal chapter two hundred and thirty-one of the Laws of eighteen hundred and ninety-three, entitled 'An act to legalize the agreement between the Binghamton and Port Dickinson Railroad Company, the Binghamton Street Railroad Company and the city of Binghamton, New York' (No. 479, Rec. No. 367), which was read the first time and referred to the committee on railroads.

"An act to amend the Tax Law, in relation to collection of taxes upon mortgages" (No. 1219, Rec. No. 368), which was read the first time and referred to the committee on general laws.

"An act to amend the Agricultural Law, in relation to oleomargarine and oleaginous substances not made from pure milk or cream from the same" (No. 1394, Rec. No. 369), which was read the first time and referred to the committee on agriculture.

"An act to amend chapter four of the Laws of eighteen hundred and ninety-one, entitled 'An act to provide rapid transit railways in cities of over one million inhabitants,' in regard to extensions of such railways" (No. 1507, Rec. No. 370), which was read the first time and referred to the committee on affairs of cities.

"An act to amend the Greater New York charter, in relation to rights of owners of land abutting on aqueduct" (No. 1523, Rec. No. 371), which was read the first time and referred to the committee on affairs of cities.

"An act amending the Greater New York charter, relative to retirement from active service of officers, clerks and employees" (No. 575, Rec. No. 372), which was read the first time and referred to the committee on affairs of cities.

"An act to amend chapter four hundred and ten of the Laws of eighteen hundred and eighty-two, entitled 'An act to consolidate

into one act and to declare the special and local laws affecting public interest in the city of New York,' relating to the selection of grand jurors" (No. 545, Rec. No. 373), which was read the first time and referred to the committee on affairs of cities.

"An act to amend the Greater New York charter, in relation to appointment of lifters in the borough of Brooklyn" (No. 1521, Rec. No. 374), which was read the first time and referred to the committee on affairs of cities.

"An act to amend the Insurance Law, in relation to the insurance of automobiles and other vehicles" (No. 1524, Rec. No. 375), which was read the first time and referred to the committee on insurance.

"An act to authorize and direct the courthouse board, appointed pursuant to chapter three hundred and thirty-six of the Laws of nineteen hundred and three, as amended by chapter one hundred and twelve of the Laws of nineteen hundred and five, to fix and determine the site for a courthouse in the county of New York; at and near the site of the present county courthouse; providing for the removal of all buildings except the city hall from City Hall park; and defining the purposes for which such building shall be erected" (No. 1467, Rec. No. 376), which was read the first time and referred to the committee on affairs of cities.

"An act to amend the County Law, in regard to the general powers of boards of supervisors" (No. 1287, Rec. No. 377), which was read the first time and referred to the committee on internal affairs.

"An act to amend section four hundred and eight of the revised city charter of the city of Buffalo, being chapter one hundred and five of the Laws of eighteen hundred and ninety-one, in relation to the letting of contracts and spreading of assessments for the improvement and maintenance of Buffalo river and other waterways within said city, and for cleaning streets" (No. 1248, Rec. No. 378), which was read the first time and referred to the committee on affairs of cities.

"An act to amend the Greater New York charter, in relation to contracts of the department of street cleaning for the removal of snow and ice" (No. 1517, Rec. No. 379), which was read the first time and referred to the committee on affairs of cities.



"An act to amend the Banking Law, in relation to investments of capital" (No. 1353, Rec. No. 380), which was read the first time and referred to the committee on banks.

"An act relating to the filing of data in regard to the water supply of cities of the first class in their water departments, boards or officers and the receipt in evidence of such data" (No. 1311, Rec. No. 381), which was read the first time and referred to the committee on affairs of cities.

"An act to amend the Poor Law, in relation to the method of determining and raising necessary moneys for the support of the poor in cities" (No. 1128, Rec. No. 382), which was read the first time and referred to the committee on general laws.

By unanimous consent, the following bills were introduced:

Mr. Whitney introduced a bill entitled "An act to amend the Penal Law in relation to procurement of women for prostitution" (Int. No. 1774), which was read the first time and referred to the committee on codes.

Mr. W. G. Miller introduced a bill entitled "An act relating to the employment of stenographers in courts of justices of the peace; in counties adjoining cities of the first class" (Int. No. 1775), which was read the first time and referred to the committee on internal affairs.

By request, Mr. Sargent introduced a bill entitled "An act amending the Greater New York charter, in relation to the removal, sale or disposal of buildings or parts of buildings and machinery acquired for a public improvement" (Int. No. 1776), which was read the first time and referred to the committee on affairs of cities.

Mr. Whitney introduced a bill entitled "An act to amend the Penal Law, in relation to disorderly houses" (Int. No. 1777), which was read the first time and referred to the committee on codes.

Mr. Speaker, from the committee on rules, to which was referred Assembly bill introduced by Mr. G. W. Brown (No. 347, Int. No. 340), entitled "An act to provide for repairs, improvements and betterments to the State armory in the borough of Brooklyn in the city of New York, occupied by the Forty-seventh Regiment, National Guard, State of New York, and making an appropriation therefor."

Also, Assembly bill introduced by Mr. Voss (No. 2053, Senate reprint No. 1525, Int. No. 950), entitled "An act to amend the General Business Law, relative to employment agencies," reported in favor of the passage of the same without amendment, and that the same be made a special order on third reading immediately, which report was agreed to, and said bills ordered made special orders on third reading immediately.

Mr. Speaker, from the committee on rules, to which was referred Assembly bill introduced by Mr. Bohan (No. 2322, Int. No. 1732), entitled "An act to amend article eight of chapter thirty-three of the Consolidated Laws, known as the 'Lien Law,' in relation to the discharge of a lien on personal property."

Also, Assembly bill introduced by Mr. Frisbie (No. 2284, Int. No. 1712), entitled "An act to establish a State school of agriculture at Cobleskill, Schoharie county, and making an appropriation therefor."

Also, Assembly bill introduced by Mr. Hawley (No. 1642, Int. No. 1352), entitled "An act to provide for the erection of a new armory building in the village of Malone, New York, the acquisition of a site for the same, and making an appropriation therefor; and providing for the sale of the old armory site and building and the application of the proceeds to such new building, and for other purposes relative to the same."

Also, Assembly bill introduced by Mr. Merritt (No. 2380, Int. No. 1755), entitled "An act to provide ways and means for the annual contribution to the highway improvement sinking fund."

Also, Assembly bill introduced by Mr. Merritt (No. 2381, Int. No. 1756), entitled "An act to provide ways and means for the annual contribution to the canal debt sinking funds."

Also, Assembly bill introduced by Mr. Merritt (No. 2382, Int. No. 1757), entitled "An act making an appropriation for the payment of interest on the debt for highway improvement contracted or to be contracted under article seven, section twelve of the Constitution and as provided by law for the fiscal year beginning on the first day of October, nineteen hundred and eight."

Also, Assembly bill introduced by Mr. Merritt (No. 2383, Int. No. 1758), entitled "An act making an appropriation for the payment of interest on the debt for highway improvement contracted,

or to be contracted, under article seven, section twelve of the Constitution, and as provided by law, for the fiscal year beginning on the first day of October, nineteen hundred and nine."

Also, Assembly bill introduced by Mr. Merritt (No. 2384, Int. No. 1759), entitled "An act making an appropriation for the payment for the fiscal year beginning on the first day of October, nineteen hundred and nine, of interest on the canal debt contracted, or to be contracted, under article seven, section four of the Constitution."

Also, Assembly bill introduced by Mr. Merritt (No. 2385, Int. No. 1760), entitled "An act making an appropriation for the payment for the fiscal year beginning on the first day of October, nineteen hundred and eight, of interest on the canal debt contracted, or to be contracted, under article seven, section four, of the Constitution."

Also, Assembly bill introduced by Mr. C. F. Murphy (No. 2386, Int. No. 1761), entitled "An act to amend the Public Lands Law, in relation to persons entitled to petition for release in lands escheated to State."

Also, Assembly bill introduced by Mr. F. B. Parker (No. 2221, Int. No. 1670), entitled "An act to amend the Education Law, in relation to the establishment of a State school of agriculture in Genesee county, providing for its management and control, and making an appropriation therefor."

Also, Assembly bill introduced by Mr. Oliver (No. 2368, Int. No. 1754), entitled "An act to amend the General Municipal Law, in relation to the recovery of moneys paid for taxes and assessments in certain cases."

Also, Senate bill introduced by Mr. Allds (No. 1496, Rec. No. 307), entitled "An act to amend the highway law, by repealing article eleven thereof and inserting a new article eleven, in relation to motor vehicles."

Also, Senate bill introduced by Mr. Allen (No. 1326, Rec. No. 306), entitled "An act to provide for granting pensions to soldiers, sailors and marines, who served in the army or navy of the United States, from the State of New York, in the Civil War, making provision for issuing bonds to the extent of two million dollars for the payment of such pensions, and providing for the submission of



this act to a vote of the people at the general election to be held in nineteen hundred and nine."

Also, Senate bill introduced by Mr. Bayne (No. 1459, Rec. No. 345), entitled "An act to amend chapter twenty-eight of the Consolidated Insurance Laws of nineteen hundred and nine, relating to partnership or association of underwriters known as Lloyds."

Also, Senate bill introduced by committee on finance (No. 1473, Rec. No. 357), entitled "An act making an appropriation for the State Commission of Highways for the maintenance and repair of public highways improved or constructed by State aid."

Also, Senate bill introduced by committee on finance (No. 1474, Rec. No. 356), entitled "An act making an appropriation for highway improvement purposes."

Also, Senate bill introduced by Mr. Hill (No. 1485, Rec. No. 340), entitled "An act to amend the Banking Law, in relation to deposits with Superintendent."

Also, Senate bill introduced by Mr. Hamilton (No. 1399, Rec. No. 275), entitled "An act to amend the Forest, Fish and Game Law, generally."

Also, Senate bill introduced by Mr. Hinman (No. 1397, Assembly reprint No. 2374, Rec. No. 274), entitled "An act to amend the Second Class Cities Law, in relation to creating a buildings department."

Also, Senate bill introduced by Mr. Holden (No. 1241, Rec. No. 322), entitled "An act to provide for the construction of a lift or hoist bridge over the Erie canal at Franklin street in the city of Syracuse and making an appropriation therefor."

Also, Senate bill introduced by Mr. McCarren (No. 907, Rec. No. 152), entitled "An act to amend chapter five hundred and eighty of the Laws of nineteen hundred and two, entitled 'An act in relation to the Municipal Court of the city of New York, its officers and marshals,' in relation to appeals."

Also, Senate bill introduced by Mr. Platt (No. 840, Assembly reprint No. 2059, Rec. No. 157), entitled "An act to amend the charter of the village of Bath, in relation to claims against the village, and electric wires."

Also, Senate bill introduced by Mr. Rose (No. 1183, Rec. No.

351), entitled "An act to amend the Military Law, in relation to the militia of the State."

Also, Senate bill introduced by Mr. Raines (No. 1376, Rec. No. 350), entitled "An act relating to the Capitol Building and a suitable building for the Court of Appeals, and making an appropriation therefor."

Also, Senate bill introduced by Mr. Rose (No. 1317, Rec. No. 298), entitled "An act to amend chapter seven hundred and twenty-four of the Laws of nineteen hundred and five, entitled 'An act to provide for an additional supply of pure and wholesome water for the city of New York; and for the acquisition of lands or interest therein, and for the construction of the necessary reservoirs, dams, aqueducts, filters and other appurtenances for that purpose, and for the appointment of a commission with the powers and duties necessary and proper to attain these objects,' in relation to water for the city of Newburgh, and to confer jurisdiction upon the State Water Supply Commission in respect thereto."

Also, Senate bill introduced by Mr. Wainwright (No. 1387, Rec. No. 303), entitled "An act relative to the powers and duties of the trustees of public lands of the town of Rye, in Westchester county."

Also, Senate bill introduced by Mr. Wainwright (No. 1328, Rec. No. 331), entitled "An act to create a forest reservation in the Highlands of the Hudson, west of the Hudson river, to be known as the Highlands of the Hudson forest reservation, to provide for its regulation and making an appropriation therefor," reported in favor of the passage of the same without amendment, and that the same be made special orders on second and third reading immediately after the consideration of the special orders on third reading heretofore reported, which report was agreed to, and said bills ordered made special orders on second and third reading immediately after the consideration of the special orders on third reading heretofore reported.

A message from the Governor, by the hand of his secretary, was received and read, in words following:

## STATE OF NEW YORK — EXECUTIVE CHAMBER,

ALBANY, April 28, 1908.

*To the Assembly:*

I return herewith without my approval Assembly bill (No. 824) entitled "An act in relation to elections in the village of Charlotte, Monroe county."

The village of Charlotte by reincorporation, legalized by chapter 65 of the Laws of 1875, became subject to the General Village Law. This general law, now chapter 64 of the Consolidated Laws, provides for the conduct of village elections. If further safeguards should be provided, they should be supplied by appropriate amendment of the general law and not be a special, independent enactment applicable, as in the case of this bill, to a single village. Otherwise, instead of adopting a suitable remedy, we should start a new series of unnecessary special acts. The bill is, therefore, disapproved.

(Signed.) CHARLES E. HUGHES.

On motion of Mr. F. L. Smith, said message together with said bill was ordered laid upon the table.

Mr. Speaker, from the committee on rules, to which was referred Assembly bill (No. 905, Senate reprint No. 1175), entitled "An act to amend the Village Law in relation to incorporation of villages," reports in favor of nonconcurrence with the amendments made by the Senate to said bill, and requests that a conference committee be appointed to consider the differences between the Senate and Assembly thereon.

Which report was agreed to.

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly has nonconcurred in the Senate amendments thereto, and requests the appointment of a committee of conference thereon.

Mr. Merritt moved a call of the members of the House.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

By direction of the Speaker, the Clerk called the roll, when the following members responded:

Allen	Fay	Jordan	Merritt	Schutta
Barden	Fellows	Joseph	Millen	Scott
Bates]	Filley	Klein	Miller J L	Smith C
Baumes	Foley	Lansing	Miller W G	Smith F L
Bennett	Fowler	Lee	Murphy C F	Sullivan



Bohan	Francis	Leffingwell	Murphy F J	Surpless
Boshart	Frisbie	Levy A J	Murray	Thompson
Brady	Garbe	Levy J	Neupert	Thorn
Brown C F	Geoghegan	Lewis	Nolan	Toombs
Brown G W	Gillen	Lowe	Odell	Travis
Burhyte	Glore	Lowman	Oliver	Voss
Caughlan	Glück	Lupton	O'Neil	Waddell
Cheney	Goldberg	MacGregor	Parker F B	Walters
Clarke	Graubard	Manley	Parker J S	Waters
Colné	Gray	Marks	Partridge	Weimert
Conklin	Green	Marlatt	Perkins	Wende
Cuvillier	Gunderman	Martin	Phillips C W	White L H
De Groot	Hackett	McCue	Phillips J S	Whitley
Donnelly	Hamn	McElligott	Reed	Whitney
Duell	Hawley	McGrath	Robinson	Williams
Eagleton	Hemenway	McInerney	Rozan	Wood
Edwards	Hoey	McLaughlin	Sanner	Yale
Evans	Howard	Mead	Sargent	Young F L
Farrar	Jackson			

Mr. Merritt moved that the House proceed with business during the pendency of the call.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Hammond offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That there be printed twenty-five hundred copies of the report of the New York Charter Commission, including the proposed charter, administrative code and notes, for the use of the joint legislative committee authorized to examine and consider the same.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 129

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Joseph	Miller W G	Smith F L
Barden	Fellows	Klein	Murphy C F	Smith M
Bates	Filley	Lanahan	Murphy F J	Spielberg
Baumes	Foley	Lansing	Murray	Sullivan
Bennett	Fowler	Lee	Neupert	Surpless
Bohan	Francis	Leffingwell	Nolan	Thompson
Boshart	Frisbie	Levy A J	Odell	Thorn
Brady	Garbe	Levy J	Oliver	Todd
Brown C F	Geoghegan	Lewis	O'Neil	Toombs
Brown G W	Gillen	Lowe	Parker F B	Travis
Burhyte	Glore	Lowman	Parker J S	Voss
Callan	Glück	Lupton	Partridge	Waddell

Caughlan	Goldberg	MacGregor	Perkins	Walters
Cheney	Graubard	Manley	Phillips C W	Waters
Clarke	Gray	Marks	Phillips J S	Weber
Colné	Green	Marlatt	Reed	Weimert
Conklin	Gunderman	Martin	Robinson	Wende
Cuvillier	Hackett	McCue	Rozan	White E H
De Groot	Hammond	McElligott	Sanner	Whitley
Donnelly	Hamn	McGrath	Sargent	Whitney
Draper	Hawley	McInerney	Schmidt	Williams
Duell	Hemenway	McLaughlin	Schutta	Wood
Eagleton	Hoey	Mead	Scott	Yale
Edwards	Howard	Merritt	Shea	Young E
Evans	Jackson	Millen	Smith A E	Young F L
Farrar	Jordan	Miller J L	Smith C	

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. Merritt offered for the consideration of the House a resolution, in the words following:

Resolved, That a committee of two be appointed to wait upon the Senate and inform that honorable body that the Assembly will be ready, pursuant to concurrent resolution, to meet that body for the purpose of electing a Regent of the University of the State of New York to fill the unexpired term of Charles Gardner, deceased.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Mr. Speaker appointed Messrs. Merritt and Frisbie as such committee.

At 11.40 o'clock a. m., on motion of Mr. J. S. Phillips, the House took a recess until 11.55 a. m.

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## ELEVEN O'CLOCK AND FIFTY-FIVE MINUTES A. M.

The House again convened.

Mr. Merritt, from the committee appointed to wait upon the Senate and inform that body that the Assembly will be ready to meet in joint session to compare journals in relation to the election of a Regent of the University to fill the unexpired term of Charles A. Gardner, deceased, reported that they had performed that duty.

Senators Agnew and Wagner, a committee on the part of the Senate, appeared before the Assembly and announced that the Senate would be ready to meet that body in joint assembly at the

time prescribed by law and a concurrent resolution of the Senate and Assembly, to compare journals of the Senate and Assembly relative to the election of Regent of the University to fill the unexpired term of Charles A. Gardner, deceased.

Mr. Merritt, from the committee appointed to inform the Senate that the Assembly would be ready to meet that body in joint assembly at the time prescribed by law and the concurrent resolution of the Senate and Assembly to compare journals, returned and reported that they had performed their duty.

The hour of twelve o'clock m. having arrived, the Senate thereupon appeared in the Assembly chamber, whereupon the Lieutenant-Governor announced that the Senate and Assembly were in joint assembly for the purpose of electing a Regent of the University to fill the unexpired term of Charles A. Gardner, deceased, whose term of office will expire on the 31st day of March, 1910.

The Clerk of the Senate then read the journal of the proceedings of the Senate, relating to the election of Regents of the University. The Clerk of the Assembly then read the journal of the Assembly relating to the election of Regents of the University.

The journals of the Senate and Assembly being found to agree on the name of Chester S. Lord, the Lieutenant-Governor announced and declared that Chester S. Lord had been duly elected Regent of the University to fill the unexpired term of Charles A. Gardner, deceased.

On motion of Senator Raines, the joint convention then adjourned. The Senate then retired from the Assembly chamber.

Mr. Speaker announced that on the joint assembly of the Senate and Assembly to compare journals of the Senate and Assembly relative to the election of a Regent of the University to fill the unexpired term of Charles A. Gardner, deceased, the journals of the two Houses were found to agree upon the name of Chester S. Lord, the Lieutenant-Governor declared Chester S. Lord of the borough of Brooklyn, in the city of New York, elected Regent of the University to fill the unexpired term of Charles A. Gardner, deceased, whose term of office expires March 31, 1910.

By unanimous consent, Mr. Merritt called up Assembly bill (No. 2390, Int. No. 433), entitled "An act making appropriations for the support of government," now on the order of third reading.



Said bill having been announced,

Mr. Merritt moved that said bill be recommitted to the committee on rules, with instructions to report the same forthwith, amended as follows:

Page 3, line 15, indent one em.

Page 16, line 14, after the word "assembly" insert comma.

Page 35, line 18, strike out the word "necessary" and insert the word "at Geneva".

Page 36, line 15, strike out "Alfred Agricultural School" and insert the words "the State School of Agriculture".

Page 41, line 17, add the letter "s" to the word "institution" at end of line, making the word "institutions".

Page 42, last line, insert the word "dollars" after the words "one thousand".

Page 71, line 7, in word "copeis" transpose "i" and "e" so as to spell word "copies".

Page 79, fourth line from last, add "s" to word "engineer"; make same correction on second line from last in word "engineer".

Page 79, line 15, after title "State Department of Highways" insert the words in caps and small caps "Payable from the Highway Fund".

Page 81, strike out 14th line from top, viz: the words "Payable from the Highway Fund".

Page 82, line 15, after the words "Bureau of Town Highways" insert the words "Payable from the General Fund" in caps and small caps.

Page 86, line 6, before "\$" insert "re".

Line 11, same page, before "\$" insert "re".

Same page, line 14, strike out period after word "reappropriated" and insert the words "for above purposes".

Page 127, line 2, before "\$" insert "re".

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Speaker, from the committee on rules, reported said bill amended as directed, and the same was ordered reprinted and placed on the order of third reading.

A message from the Governor was received and read, in words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER,

*To the Legislature:*

It appearing to my satisfaction that the public interest requires it;

Therefore, in accordance with the provisions of section 15 of article 3 of the Constitution and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Assembly bill No. 2390, as amended (Int. No. 433), entitled "An act making appropriation for the support of government."

Given under my hand and the privy seal of the State at the Capitol, in the city of Albany, this twenty-eighth day of April, in the year of our Lord one thousand nine hundred and nine.

(Signed.) CHARLES E. HUGHES.

By the Governor:

ROBERT H. FULLER,

*Secretary to the Governor.*

Said bill was then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, the necessity for the immediate passage of the same having been certified by the Governor, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 129

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Joseph	Miller W G	Smith F L
Barden	Fellows	Klein	Murphy C F	Smith M
Bates	Filley	Lanahan	Murphy F J	Spielberg
Baumes	Foley	Lansing	Murray	Sullivan
Bennett	Fowler	Lee	Neupert	Surpless
Bohan	Francis	Leffingwell	Nolan	Thompson
Boshart	Frisbie	Levy A J	Odell	Thorn
Brady	Garbe	Levy J	Oliver	Todd
Brown C F	Geoghegan	Lewis	O'Neil	Toomba
Brown G W	Gillen	Lowe	Parker F B	Travis
Burhyte	Glore	Lowman	Parker J S	Voss
Callan	Glück	Lupton	Partridge	Waddell
Caughlan	Goldberg	MacGregor	Perkins	Walters
Cheney	Graubard	Manley	Phillips C W	Waters
Clarke	Gray	Marks	Phillips J S	Weber
Colné	Green	Marlatt	Reed	Weimert]
Conklin	Gunderman	Martin	Robinson	Wende
Cuvillier	Hackett	McCue	Rozan	White E H
De Groot	Hammond	McElligott	Sanner	Whitley
Donnelly	Hann	McGrath	Sargent	Whitney
Draper	Hawley	McInerney	Schmidt	Williams
Dueil	Hemenway	McLaughlin	Schutta	Wood
Eagleton	Hoey	Mead	Scott	Yale
Edwards	Howard	Merritt	Shea	Young f
Evans	Jackson	Millen	Smith A E	Young F L
Farrar	Jordan	Miller J L	Smith C	

Ordered, That the Clerk engross said bill and deliver the same to the Senate and request their concurrence therein.

By unanimous consent, Mr. Howard moved to instruct the committee on rules to report Assembly bill (No. 1153, Int. No. 1012) entitled "An act to amend the Forest, Fish and Game Law, relating to hunting license."

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative.

AYES 7

NOES 88

Those who voted in the affirmative were:

Francis	Leffingwell	Partridge	Reed	Scott
Howard	Marlatt			

Those who voted in the negative were:

Allen	Eagleton	Lansing	Neupert	Sullivan
Bates	Edwards	Lazarus	Nolan	Surpless
Baumes	Evans	Lee	Odell	Thorn
Bennett	Farrar	Lowe	Oliver	Travis
Boshart	Filley	Lowman	Parker F B	Voss
Brady	Fowler	Lupton	Parker J S	Ward
Brown C F	Frisbie	MacGregor	Phillips C W	Waters
Brown G W	Garbe	Manley	Phillips J S	Weber
Burhyte	Glore	Martin	Robinson	Weimert
Callan	Goldberg	McCue	Rozan	Wende
Cheney	Goodspeed	McInerney	Sanner	White L H
Clarke	Green	McLaughlin	Sargent	Whitney
Colné	Hackett	Mead	Schutta	Williams
Conklin	Haines	Merritt	Smith A E	Wood
Cuvillier	Hawley	Millen	Smith C	Yale
De Groot	Hemenway	Miller J L	Smith M	Young E
Draper	Jackson	Murphy F J	Spielberg	Young F L
Duell	Klein	Murray		

Mr. Speaker announced the special order, being the bill (No. 2372) entitled "An act to amend the Village Law, in relation to notice before the accrual of certain causes of actions against villages for damages for personal injuries resulting from negligence." (Int. No. 1600.)

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.



AYES 127

NOES 00

Those who voted in the affirmative were:

Allen	Fellows	Klein	Murphy C F	Smith F L
Barden	Filley	Lansing	Murphy F J	Smith M
Bates	Foley	Lee	Murray	Spielberg
Baumes	Fowler	Leffingwell	Neupert	Sullivan
Bennett	Francis	Levy A J	Nolan	Surpless
Bohan	Frisbie	Levy J	Odell	Thompson
Boshart	Garbe	Lewis	Oliver	Thorn
Brady	Geoghegan	Lowe	O'Neil	Todd
Brown C F	Gillen	Lowman	Parker F B	Toombs
Brown G W	Glore	Lupton	Parker J S	Travis
Burhyte	Glück	MacGregor	Partridge	Voss
Callan	Goldberg	Manley	Perkins	Waddell
Caughlan	Graubard	Marks	Phillips C W	Walters
Cheney	Gray	Marlatt	Phillips J S	Waters
Clarke	Green	Martin	Reed	Weber
Colné	Gunderman	McCue	Robinson	Weimert
Conklin	Hackett	McElligott	Rozan	Wende
Cuvillier	Hammond	McGrath	Sanner	White L H
De Groot	Hamn	McInerney	Sargent	Whitley
Donnelly	Hawley	McLaughlin	Schmidt	Whitney
Duell	Hemenway	Mead	Schutta	Williams
Eagleton	Hoey	Merritt	Scott	Wood
Edwards	Howard	Millen	Shea	Yale
Evans	Jackson	Miller J L	Smith A E	Young E
Farrar	Jordan	Miller W G	Smith C	Young F L
Fay	Joseph			

Ordered, That the Clerk engross said bill and deliver the same to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 347) entitled "An act to provide for repairs, improvements and betterments of the State armory in the borough of Brooklyn, in the city of New York, occupied by the Forty-seventh Regiment, National Guard, State of New York, and making an appropriation therefor." (Int. No. 340.)

Said bill was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 129

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Joseph	Miller W G	Smith F L
Barden	Fellows	Klein	Murphy C F	Smith M
Bates	Filley	Lanahan	Murphy F J	Spielberg
Baumes	Foley	Lansing	Murray	Sullivan
Bennett	Fowler	Lee	Neupert	Surplless
Bohan	Francis	Leffingwell	Nolan	Thompson
Boshart	Frisbie	Levy A J	Odell	Thorn
Brady	Garbe	Levy J	Oliver	Todd
Brown C F	Geoghegan	Lewis	O'Neil	Toombs
Brown G W	Gillen	Lowe	Parker F B	Travis
Burhyte	Glore	Lowman	Parker J S	Voss
Callan	Glück	Lupton	Partridge	Waddell
Caughlan	Goldberg	MacGregor	Perkins	Walters
Cheney	Graubard	Manley	Phillips C W	Waters
Clarke	Gray	Marks	Phillips J S	Weber
Colné	Green	Marlatt	Reed	Weimert
Conklin	Gunderman	Martin	Robinson	Wende
Cuvillier	Hackett	McCue	Rozan	White E H
De Groot	Hammond	McElligott	Sanner	Whitley
Donnelly	Hamm	McGrath	Sargent	Whitney
Draper	Hawley	McInerney	Schmidt	Williams
Duell	Hemenway	McLaughlin	Schutta	Wood
Eagleton	Hoey	Mead	Scott	Yale
Edwards	Howard	Merritt	Shea	Young E
Evans	Jackson	Millen	Smith A E	Young F L
Farrar	Jordan	Miller J L	Smith C	

Ordered, That the Clerk engross said bill and deliver the same to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the Senate bill (No. 840, Assembly reprint No. 2059) entitled "An act to amend the charter of the village of Bath, in relation to claims against the village, and electric wires." (Rec. No. 157.)

Said bill was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 127

NOES 00

Those who voted in the affirmative were:

Allen	Fellows	Klein	Murphy C F	Smith F L
Barden	Filley	Lansing	Murphy F J	Smith M
Bates	Foley	Lee	Murray	Spielberg
Baumes	Fowler	Leffingwell	Neupert	Sullivan

Bennett	Francis	Levy A J	Nolan	Surpless
Bohan	Frisbie	Levy J	Odell	Thompson
Boshart	Garbe	Lewis	Oliver	Thorn
Brady	Geoghegan	Lowe	O'Neil	Todd
Brown C F	Gillen	Lowman	Parker F B	Toombs
Brown G W	Glore	Lupton	Parker J S	Travis
Burhyte	Glück	MacGregor	Partridge	Voss
Callan	Goldberg	Manley	Perkins	Waddell
Caughlan	Graubard	Marks	Phillips C W	Walters
Cheney	Gray	Marlatt	Phillips J S	Waters
Clarke	Green	Martin	Reed	Weber
Colné	Gunderman	McCue	Robinson	Weimert
Conklin	Hackett	McElligott	Rozan	Wende
Cuvillier	Hammond	McGrath	Sanner	White E H
De Groot	Hamn	McInerney	Sargent	Whitley
Donnelly	Hawley	McLaughlin	Schmidt	Whitney
Duell	Hemenway	Mead	Schutta	Williams
Eagleton	Hoey	Merritt	Scott	Wood
Edwards	Howard	Millen	Shea	Yale
Evans	Jackson	Miller J L	Smith A E	Young E
Farrar	Jordan	Miller W G	Smith C	Young F L
Fay	Joseph			

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same, with amendments.

Mr. Speaker announced the special order, being the bill (No. 2368) entitled "An act to amend the General Municipal Law, in relation to the recovery of moneys paid for taxes and assessments in certain cases." (Int. No. 1754.)

Said bill was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 129

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Joseph	Miller W G	Smith F L
Barden	Fellows	Klein	Murphy C F	Smith M
Bates	Filley	Lanahan	Murphy F J	Spielberg
Baumes	Foley	Lansing	Murray	Sullivan
Bennett	Fowler	Lee	Neupert	Surpless
Bohan	Francis	Leffingwell	Nolan	Thompson
Boshart	Frisbie	Levy A J	Odell	Thorn
Brady	Garbe	Levy J	Oliver	Todd
Brown C F	Geoghegan	Lewis	O'Neil	Toombs
Brown G W	Gillen	Lowe	Parker F B	Travis



Burhyte	Glore	Lowman	Parker J S	Voss
Callan	Glück	Lupton	Partridge	Waddell
Caughlan	Goldberg	MacGregor	Perkins	Walters
Cheney	Graubard	Manley	Phillips C W	Waters
Clarke	Gray	Marks	Phillips J S	Weber
Colné	Green	Marlatt	Reed	Weimert
Conklin	Gunderman	Martin	Robinson	Wende
Cuvillier	Hackett	McCue	Rozan	White E H
De Groot	Hammond	McElligott	Sanner	Whitley
Donnelly	Hamn	McGrath	Sargent	Whitney
Draper	Hawley	McInerney	Schmidt	Williams
Duell	Hemenway	McLaughlin	Schutta	Wood
Eagleton	Hoey	Mead	Scott	Yale
Edwards	Howard	Merritt	Shea	Young E
Evans	Jackson	Millen	Smith A E	Young F L
Farrar	Jordan	Miller J L	Smith C	

Ordered, That the Clerk engross said bill and deliver the same to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 2053, Senate reprint No. 1525) entitled "An act to amend the General Business Law, relative to employment agencies." (Int. No. 950.)

Mr. Speaker stated the question to be upon concurrence in the amendments of the Senate thereto.

Mr. Voss moved to concur in the Senate amendments.

Mr. Speaker put the question whether the House would concur in said amendments, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 128

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Joseph	Murphy C F	Smith F L
Barden	Fellows	Klein	Murphy F J	Smith M
Bates	Filley	Lansing	Murray	Spielberg
Baumes	Foley	Lee	Neupert	Sullivan
Bennett	Fowler	Leffingwell	Nolan	Surpless
Bohan	Francis	Levy A J	Odell	Thompson
Boshart	Frisbie	Levy J	Oliver	Thorn
Brady	Garbe	Lewis	O'Neil	Todd
Brown C F	Geoghegan	Lowe	Parker F B	Toombs
Brown G W	Gillen	Lowman	Parker J S	Travis
Burhyte	Glore	Lupton	Partridge	Voss
Callan	Glück	MacGregor	Perkins	Waddell
Caughlan	Goldberg	Manley	Phillips C W	Walters
Cheney	Graubard	Marks	Phillips J S	Waters

Clarke	Gray	Marlatt	Reed	Weber
Colné	Green	Martin	Robinson	Weimert
Conklin	Gunderman	McCue	Rozan	Wende
Cuvillier	Hackett	McElligott	Sanner	White E H
De Groot	Hammond	McGrath	Sargent	Whitley
Donnelly	Hamn	McInerney	Schmidt	Whitney
Draper	Hawley	McLaughlin	Schutta	Williams
Duell	Hemenway	Mead	Scott	Wood
Eagleton	Hoey	Merritt	Shea	Yale
Edwards	Howard	Millen	Smith A E	Young E
Evans	Jackson	Miller J L	Smith C	Young F L
Farrar	Jordan	Miller W G		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendments of the Senate thereto.

Mr. Speaker announced the special order, being the Senate bill (No. 964, Assembly reprint No. 2369) entitled "An act to amend the Real Property Law and the Membership Corporations Law, in relation to the acquisition of lands for cemetery purposes in certain counties." (Rec. No. 293.)

On motion of Mr. Lupton, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 128

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Joseph	Murphy C F	Smith F I
Barden	Fellows	Klein	Murphy F J	Smith M
Bates	Filley	Lansing	Murray	Spielberg
Baumes	Foley	Lee	Neupert	Sullivan
Bennett	Fowler	Leffingwell	Nolan	Surpless
Bohan	Francis	Levy A J	Odell	Thompson
Boshart	Frisbie	Levy J	Oliver	Thorn
Brady	Garbe	Lewis	O'Neil	Todd
Brown C F	Geoghegan	Lowe	Parker F B	Toombs
Brown G W	Gillen	Lowman	Parker J S	Travis
Burhyte	Glore	Lupton	Partridge	Voss
Callan	Glück	MacGregor	Perkins	Waddell
Caughlan	Goldberg	Manley	Phillips C W	Walters
Cheney	Graubard	Marks	Phillips J S	Waters
Clarke	Gray	Marlatt	Reed	Weber

Colné	Green	Martin	Robinson	Weimert
Conklin	Gunderman	McCue	Rozan	Wende
Cuvillier	Hackett	McElligott	Sanner	White E H
De Groot	Hammond	McGrath	Sargent	Whitley
Donnelly	Hamn	McInerney	Schmidt	Whitney
Draper	Hawley	McLaughlin	Schutta	Williams
Duell	Hemenway	Mead	Scott	Wood
Eagleton	Hoey	Merritt	Shea	Yale
Edwards	Howard	Millen	Smith A E	Young E
Evans	Jackson	Miller J L	Smith C	Young F L
Farrar	Jordan	Miller W G		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same, with amendments.

Mr. Speaker announced the special order, being the bill (No. 2387) entitled "An act to amend the Greater New York charter, relative to the compensation of commissioners of estimate and appraisal." (Int. No. 1496.)

On motion of Mr. Oliver, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 128

NOES 00

Those who voted in the affirmative were:

A ller	Fay	Joseph	Murphy C F	Smith F L
Barden	Fellows	Klein	Murphy F J	Smith M
Bates	Filley	Lansing	Murray	Spielberg
Baumes	Foley	Lee	Neupert	Sullivan
Bennett	Fowler	Leffingwell	Nolan	Surplless
Bohan	Francis	Levy A J	Odell	Thompson
Boshart	Frisbie	Levy J	Oliver	Thorn
Brady	Garbe	Lewis	O'Neil	Todd
Brown C F	Geoghegan	Lowe	Parker F B	Toombs
Brown G W	Gillen	Lowman	Parker J S	Travis
Burhyte	Glore	Lupton	Partridge	Voss
Callan	Glück	MacGregor	Perkins	Waddell
Caughlan	Goldberg	Manley	Phillips C W	Walters
Cheney	Graubard	Marks	Phillips J S	Waters
Clarke	Gray	Marlatt	Reed	Weber
Colné	Green	Martin	Robinson	Weimert
Conklin	Gunderman	McCue	Rozan	Wende
Cuvillier	Hackett	McElligott	Sanner	White E H



De Groot	Hammond	McGrath	Sargent	Whitley
Donnelly	Hamn	McInerney	Schmidt	Whitney
Draper	Hawley	McLaughlin	Schutta	Williams
Duell	Hemenway	Mead	Scott	Wood
Eagleton	Hoey	Merritt	Shea	Yale
Edwards	Howard	Millen	Smith A E	Young E
Evans	Jackson	Miller J L	Smith C	Young F L
Farrar	Jordan	Miller W G		

Ordered, That the Clerk engross said bill and deliver the same to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 2377) entitled "An act to amend the Tax Law, in relation to collection of taxes upon mortgages." (Int. No. 1698.)

On motion of Mr. Waddell, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 128

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Joseph	Murphy C F	Smith F L
Barden	Fellows	Klein	Murphy F J	Smith M
Bates	Filley	Lansing	Murray	Spielberg
Baumes	Foley	Lee	Neupert	Sullivan
Bennett	Fowler	Leffingwell	Nolan	Surpluss
Bohan	Francis	Levy A J	Odell	Thompson
Boshart	Frisbie	Levy J	Oliver	Thorn
Brady	Garbe	Lewis	O'Neil	Todd
Brown C F	Geoghegan	Lowe	Parker F B	Toombs
Brown G W	Gillen	Lowman	Parker J S	Travis
Burhyte	Glore	Lupton	Partridge	Voss
Callan	Glück	MacGregor	Perkins	Waddell
Caughlan	Goldberg	Manley	Phillips C W	Walters
Cheney	Graubard	Marks	Phillips J S	Waters
Clarke	Gray	Marlatt	Reed	Weber
Colné	Green	Martin	Robinson	Weimert
Conklin	Gunderman	McCue	Rozan	Wende
Cuvillier	Hackett	McElligott	Sanner	White E H
De Groot	Hammond	McGrath	Sargent	Whitley
Donnelly	Hamn	McInerney	Schmidt	Whitney
Draper	Hawley	McLaughlin	Schutta	Williams
Duell	Hemenway	Mead	Scott	Wood
Eagleton	Hoey	Merritt	Shea	Yale
Edwards	Howard	Millen	Smith A E	Young E
Evans	Jackson	Miller J L	Smith C	Young F L
Farrar	Jordan	Miller W G		

Ordered, That the Clerk engross said bill and deliver the same to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 2378) entitled "An act to amend the Penal Law, in relation to the hours of labor to be required." (Int. No. 1628.)

On motion of Mr. De Groot, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the negative, a majority of all the members elected to the Assembly not voting in favor thereof, and three-fifths being present.

AYES 13

NOES 91

Those who voted in the affirmative were:

Barden	De Groot	Mead	Robinson	Young F 1
Bates	Duell	Merritt	Yale	Speaker
Baumes	Lupton	Phillips J S		

Those who voted in the negative were:

Allen	Fay	Joseph	Miller J L	Shea
Banmann	Filley	Klein	Murphy F J	Smith A F
Bennett	Fowler	Lanahan	Murray	Smith F ?
Bohan	Francis	Lansing	Neupert	Spielberg
Boshart	Frisbie	Lazarus	Nolan	Stein
Burhyte	Garbe	Lee	Odell	Stern
Callan	Geoghegan	Leffingwell	Oliver	Sullivan
Caughlan	Gillen	Levy J	O'Neil	Thompson
Cheney	Glück	Lewis	Parker F B	Thorn
Clarke	Goldberg	Lowe	Partridge	Todd
Colné	Goodspeed	MacGregor	Perkins	Voss
Conklin	Green	Manley	Phillips C W	Waters
Cuvillier	Hackett	Marlatt	Reed	Weimert
Donnelly	Haines	Martin	Rozan	Wende
Draper	Hemenway	McCue	Sargent	White L H
Eagleton	Howard	McElligott	Schmidt	Whitley
Edwards	Jackson	McKeon	Schutta	Whitney
Evans	Jordan	McLaughlin	Scott	Young E
Farrar				

Mr. De Groot moved to reconsider the vote by which said bill was lost, and that said motion lie on the table.

Mr. Speaker put the question whether the House would agree to said motion, and it was decided in the affirmative.

Mr. Speaker announced the special order, being the bill (No. 2379) entitled "An act to amend the Labor Law, generally." (Int. No. 1629.)

On motion of Mr. De Groot, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the negative, a majority of all the members elected to the Assembly not voting in favor thereof, and three-fifths being present.

AYES 13

NOES 97

Those who voted in the affirmative were:

Barden	De Groot	Mead	Phillips J S	Weber
Bates	Duell	Miller W G	Robinson	Williams
Baumes	Lupton	Parker F B		

Those who voted in the negative were:

Allen	Francis	Lazarus	Murphy C F	Smith C
Baumann	Frisbie	Lee	Murphy F J	Smith F L
Bennett	Garbe	Leffingwell	Neupert	Smith M
Bohan	Geoghegan	Levy A J	Nolan	Stein
Brown C F	Gillen	Levy J	Odell	Stern
Burhyte	Glück	Lewis	Oliver	Surpluss
Caughlan	Goldberg	Lowe	O'Neil	Thompson
Cheney	Goodspeed	Lowman	Parker J S	Thorn
Clarke	Graubard	MacGregor	Partridge	Todd
Colné	Hackett	Manley	Phillips C W	Voss
Conklin	Haines	Marks	Reed	Waters
Cuvillier	Hamn	Marlatt	Rozan	Weimert
Donnelly	Hawley	Martin	Sanner	Wende
Eagleton	Hemenway	McCue	Sargent	White L H
Edwards	Howard	McElligott	Schutta	Whitley
Evans	Jackson	McGrath	Scott	Whitney
Farrar	Jordan	McInerney	Shea	Yale
Fay	Joseph	McKeon	Sheridan	Young E
Filley	Lanahan	Miller J L	Smith A E	Young F L
Foley	Lansing			

Mr. De Groot moved to reconsider the vote by which said bill was lost, and that said motion lie on the table.

Mr. Speaker put the question whether the House would agree to said motion, and it was decided in the affirmative.

Mr. Speaker announced the special order, being the bill (No. 2322) entitled "An act to amend article eight of chapter thirty-



three of the Consolidated Laws, known as the 'Lien Law,' in relation to the discharge of a lien on personal property." (Int. No. 1732.)

On motion of Mr. Bohan, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 128

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Joseph	Murphy C F	Smith F L
Barden	Fellows	Klein	Murphy F J	Smith M
Bates	Filley	Lansing	Murray	Spielberg
Baumes	Foley	Lee	Neupert	Sullivan
Bennett	Fowler	Leffingwell	Nolan	Surpless
Bohan	Francis	Levy A J	Odell	Thompson
Boshart	Frisbie	Levy J	Oliver	Thorn
Brady	Garbe	Lewis	O'Neil	Todd
Brown C F	Geoghegan	Lowe	Parker F B	Toombs
Brown G W	Gillen	Lowman	Parker J S	Travis
Burhyte	Glore	Lupton	Partridge	Voss
Callan	Glück	MacGregor	Perkins	Waddell
Caughlan	Goldberg	Manley	Phillips C W	Walters
Cheney	Graubard	Marks	Phillips J S	Waters
Clarke	Gray	Marlatt	Reed	Weber
Colné	Green	Martin	Robinson	Weimert
Conklin	Gunderman	McCue	Rozan	Wende
Cuvillier	Hackett	McElligott	Sanner	White E H
De Groot	Hammond	McGrath	Sargent	Whitley
Donnelly	Hamm	McInerney	Schmidt	Whitney
Draper	Hawley	McLaughlin	Schutta	Williams
Duell	Hemenway	Mead	Scott	Wood
Eagleton	Hoey	Merritt	Shea	Yale
Edwards	Howard	Millen	Smith A E	Young E
Evans	Jackson	Miller J L	Smith C	Young F L
Farrar	Jordan	Miller W G		

Ordered, That the Clerk engross said bill and deliver the same to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 2284) entitled "An act to establish a State school of agriculture at Cobleskill, Schoharie county, making an appropriation therefor." (Int. No. 1712.)

On motion of Mr. Frisbie, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 128

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Joseph	Murphy C F	Smith F L
Barden	Fellows	Klein	Murphy F J	Smith M
Bates	Filley	Lansing	Murray	Spielberg
Baumes	Foley	Lee	Neupert	Sullivan
Bennett	Fowler	Leffingwell	Nolan	Surpless
Bohan	Francis	Levy A J	Odell	Thompson
Boshart	Frisbie	Levy J	Oliver	Thorn
Brady	Garbe	Lewis	O'Neil	Todd
Brown C F	Geoghegan	Lowe	Parker F B	Toombs
Brown G W	Gillen	Lowman	Parker J S	Travis
Burhyte	Glore	Lupton	Partridge	Voss
Callan	Glück	MacGregor	Perkins	Waddell
Caughlan	Goldberg	Manley	Phillips C W	Walters
Cheney	Graubard	Marks	Phillips J S	Waters
Clarke	Gray	Marlatt	Reed	Weber
Colné	Green	Martin	Robinson	Weimert
Conklin	Gunderman	McCue	Rozan	Wende
Cuvillier	Hackett	McElligott	Sanner	White E H
De Groot	Hammond	McGrath	Sargent	Whitley
Donnelly	Hamn	McInerney	Schmidt	Whitney
Draper	Hawley	McLaughlin	Schutta	Williams
Duell	Hemenway	Mead	Scott	Wood
Eagleton	Hoey	Merritt	Shea	Yale
Edwards	Howard	Millen	Smith A E	Young E
Evans	Jackson	Miller J L	Smith C	Young F L
Farrar	Jordan	Miller W G		

Ordered, That the Clerk engross said bill and deliver the same to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 1642) entitled "An act to provide for the erection of a new armory building in the village of Malone, New York, the acquisition of a site for the same, and making an appropriation therefor; and providing for the sale of the old armory site and building and the application of the proceeds to such new building, and for other purposes relative to the same." (Int. No. 1352.)

On motion of Mr. Hawley, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 128

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Joseph	Murphy C F	Smith F L
Barden	Fellows	Klein	Murphy F J	Smith M,
Bates	Filley	Lansing	Murray	Spielberg
Baumes	Foley	Lee	Neupert	Sullivan
Bennett	Fowler	Leffingwell	Nolan	Surpless
Bohan	Francis	Levy A J	Odell	Thompson
Boshart	Frisbie	Levy J	Oliver	Thorn
Brady	Garbe	Lewis	O'Neil	Todd
Brown C F	Geoghegan	Lowe	Parker F B	Toombs
Brown G W	Gillen	Lowman	Parker J S	Travis
Burhyte	Glore	Lupton	Partridge	Voss
Callan	Glück	MacGregor	Perkins	Waddell
Caughlan	Goldberg	Manley	Phillips C W	Walters
Cheney	Graubard	Marks	Phillips J S	Waters
Clarke	Gray	Marlatt	Reed	Weber
Colne	Green	Martin	Robinson	Weimert
Conklin	Gunderman	McCue	Rozan	Wende
Cuvillier	Hackett	McElligott	Sanner	White E H
De Groot	Hammond	McGrath	Sargent	Whitley
Donnelly	Hamn	McInerney	Schmidt	Whitney
Draper	Hawley	McLaughlin	Schutta	Williams
Duell	Hemenway	Mead	Scott	Wood
Eagleton	Hoey	Merritt	Shea	Yale
Edwards	Howard	Millen	Smith A F	Young E
Evans	Jackson	Miller J L	Smith C	Young F L
Farrar	Jordan	Miller W G		

Ordered, That the Clerk engross said bill and deliver the same to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 2380) entitled "An act to provide ways and means for the annual contribution to the highway improvement sinking fund." (Int. No. 1755.)

On motion of Mr. Merritt, said bill was read the second time and ordered to a third reading.



Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 128

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Joseph	Murphy C F	Smith F L
Barden	Fellows	Klein	Murphy F J	Smith M
Bates	Filley	Lansing	Murray	Spielberg
Baumes	Foley	Lee	Neupert	Sullivan
Bennett	Fowler	Leffingwell	Nolan	Surpless
Bohan	Francis	Levy A J	Odell	Thompson
Boshart	Frisbie	Levy J	Oliver	Thorn
Brady	Garbe	Lewis	O'Neil	Todd
Brown C F	Geoghegan	Lowe	Parker F B	Toombs
Brown G W	Gillen	Lowman	Parker J S	Travis
Burhyte	Glore	Lupton	Partridge	Voss
Callan	Glück	MacGregor	Perkins	Waddell
Caughlan	Goldberg	Manley	Phillips C W	Walters
Cheney	Graubard	Marks	Phillips J S	Waters
Clarke	Gray	Marlatt	Reed	Weber
Colné	Green	Martin	Robinson	Weimert
Conklin	Gunderman	McCue	Rozan	Wende
Cuvillier	Hackett	McElligott	Sanner	White E H
De Groot	Hammond	McGrath	Sargent	Whitley
Donnelly	Hamn	McInerney	Schmidt	Whitney
Draper	Hawley	McLaughlin	Schutta	Williams
Duell	Hemenway	Mead	Scott	Wood
Eagleton	Hoey	Merritt	Shea	Yale
Edwards	Howard	Millen	Smith A E	Young E
Evans	Jackson	Miller J L	Smith C	Young F L
Farrar	Jordan	Miller W G		

Ordered, That the Clerk engross said bill and deliver the same to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 2381) entitled "An act to provide ways and means for the annual contribution to the canal debt sinking funds." (Int. No. 1756.)

On motion of Mr. Merritt, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 128

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Joseph	Murphy C F	Smith F L
Barden	Fellows	Klein	Murphy F J	Smith M
Bates	Filley	Lansing	Murray	Spielberg
Baumes	Foley	Lee	Neupert	Sullivan
Bennett	Fowler	Leffingwell	Nolan	Surpless
Bohan	Francis	Levy A J	Odell	Thompson
Boshart	Frisbie	Levy J	Oliver	Thorn
Brady	Garbe	Lewis	O'Neil	Todd
Brown C F	Geoghegan	Lowe	Parker F B	Toombs
Brown G W	Gillen	Lowman	Parker J S	Travis
Burhyte	Glore	Lupton	Partridge	Voss
Callan	Glück	MacGregor	Perkins	Waddell
Caughlan	Goldberg	Manley	Phillips C W	Walters
Cheney	Graubard	Marks	Phillips J S	Waters
Clarke	Gray	Marlatt	Reed	Weber
Colné	Green	Martin	Robinson	Weimert
Conklin	Gunderman	McCue	Rozan	Wende
Cuvillier	Hackett	McElligott	Sanner	White E H
De Groot	Hammond	McGrath	Sargent	Whitley
Donnelly	Hamn	McInerney	Schmidt	Whitney
Draper	Hawley	McLaughlin	Schutta	Williams
Duell	Hemenway	Mead	Scott	Wood
Eagleton	Hoey	Merritt	Shea	Yale
Edwards	Howard	Millen	Smith A E	Young E
Evans	Jackson	Miller J L	Smith C	Young F L
Farrar	Jordan	Miller W G		

Ordered, That the Clerk engross said bill and deliver the same to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 2382) entitled "An act making an appropriation for the payment of interest on the debt for highway improvement contracted or to be contracted under article seven, section twelve of the Constitution, and as provided by law for the fiscal year beginning on the first day of October, nineteen hundred and eight." (Int. No. 1757.)

On motion of Mr. Merritt, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 131

NOES 00

Those who voted in the affirmative were:

Allen	Fellows	Jordan	Miller J L	Smith C
Barden	Filley	Joseph	Miller W G	Smith F L
Bates	Foley	Klein	Murphy C F	Smith M
Baumes	Fowler	Lanahan	Murphy F J	Spielberg
Bennett	Francis	Lansing	Murray	Sullivan
Bohan	Frisbie	Lee	Neupert	Surpluss
Boshart	Garbe	Leffingwell	Nolan	Thompson
Brady	Geoghegan	Levy A J	Odell	Thorn
Brown C F	Gillen	Levy J	Oliver	Todd
Brown G W	Glore	Lewis	O'Neil	Toombs
Burhyte	Glück	Lowe	Parker F B	Travis
Callan	Goldberg	Lowman	Parker J S	Voss
Caughlan	Graubard	Lupton	Partridge	Waddell
Cheney	Gray	MacGregor	Perkins	Walters
Clarke	Green	Manley	Phillips C W	Waters
Colné	Gunderman	Marks	Phillips J S	Weber
Conklin	Hackett	Marlatt	Reed	Weimert
Cuvillier	Haines	Martin	Robinson	Wende
De Groot	Hammond	McCue	Rozan	White E H
Donnelly	Hamn	McElligott	Sanner	Whitley
Draper	Hawley	McGrath	Sargent	Whitney
Duell	Hemenway	McInerney	Schmidt	Williams
Eagleton	Herrick	McLaughlin	Schutta	Wood
Edwards	Hoey	Mead	Scott	Yale
Evans	Howard	Merritt	Shea	Young E
Farrar	Jackson	Millen	Smith A E	Young F L
Fay				

Ordered, That the Clerk engross said bill and deliver the same to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 2383) entitled "An act making an appropriation for the payment of interest on the debt for highway improvement contracted or to be contracted under article seven, section twelve of the Constitution, and as provided by law for the fiscal year beginning on the first day of October, nineteen hundred and nine." (Int. No. 1758.)

On motion of Mr. Merritt, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.



Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 131

NOES 00

Those who voted in the affirmative were:

Allen	Fellows	Jordan	Miller J L	Smith C
Barden	Filley	Joseph	Miller W G	Smith F L
Bates	Foley	Klein	Murphy C H	Smith M
Baumes	Fowler	Lanahan	Murphy F J	Spielberg
Bennett	Francis	Lansing	Murray	Sullivan
Bohan	Frisbie	Lee	Neupert	Surpless
Boshart	Garbe	Leffingwell	Nolan	Thompson
Brady	Geoghegan	Levy A J	Odell	Thorn
Brown C F	Gillen	Levy J	Oliver	Todd
Brown G W	Glore	Lewis	O'Neil	Toombs
Burhyte	Glück	Lowe	Parker J B	Travis
Callan	Goldberg	Lowman	Parker J S	Voss
Caughlan	Graubard	Lupton	Partridge	Waddell
Cheney	Gray	MacGregor	Perkins	Walters
Clarke	Green	Manley	Phillips C W	Waters
Colné	Gunderman	Marks	Phillips J S	Weber
Conklin	Hackett	Marlatt	Reed	Weimert
Cuvillier	Haines	Martin	Robinson	Wende
De Groot	Hammond	McCue	Rozan	White E H
Donnelly	Hamm	McElligott	Sanner	Whitley
Draper	Hawley	McGrath	Sargent	Whitney
Duell	Hemenway	McInerney	Schmidt	Williams
Eagleton	Herrick	McLaughlin	Schutta	Wood
Edwards	Hoey	Mead	Scott	Yale
Evans	Howard	Merritt	Shea	Young E
Farrar	Jackson	Millen	Smith A E	Young F L
Fay				

Ordered, That the Clerk engross said bill and deliver the same to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 2384) entitled "An act making an appropriation for the payment for the fiscal year beginning on the first day of October, nineteen hundred and nine, of interest on the canal debt contracted or to be contracted under article seven, section four of the Constitution." (Int. No. 1759.)

On motion of Mr. Merritt, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 129

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Joseph	Miller W G	Smith F L
Barden	Fellows	Klein	Murphy C F	Smith M
Bates	Filley	Lanahan	Murphy F J	Spielberg
Baumes	Foley	Lansing	Murray	Sullivan
Bennett	Fowler	Lee	Neupert	Surpless
Bohan	Francis	Leffingwell	Nolan	Thompson
Boshart	Frisbie	Levy A J	Odell	Thorn
Brady	Garbe	Levy J	Oliver	Todd
Brown C F	Geoghegan	Lewis	O'Neil	Toombs
Brown G W	Gillen	Lowe	Parker F B	Travis
Burhyte	Glore	Lowman	Parker J S	Voss
Callan	Glück	Lupton	Partridge	Waddell
Caughlan	Goldberg	MacGregor	Perkins	Walters
Cheney	Graubard	Manley	Phillips C W	Waters
Clarke	Gray	Marks	Phillips J S	Weber
Colné	Green	Marlatt	Reed	Weimert
Conklin	Gunderman	Martin	Robinson	Wende
Cuvillier	Hackett	McCue	Rozan	White E H
De Groot	Hammond	McElligott	Sanner	Whitley
Donnelly	Hamn	McGrath	Sargent	Whitney
Draper	Hawley	McInerney	Schmidt	Williams
Duell	Hemenway	McLaughlin	Schutta	Wood
Eagleton	Hoey	Mead	Scott	Yale
Edwards	Howard	Merritt	Shea	Young E
Evans	Jackson	Millen	Smith A E	Young F L
Farrar	Jordan	Miller J L	Smith C	

Ordered, That the Clerk engross said bill and deliver the same to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 2385) entitled "An act making an appropriation for the payment for the fiscal year beginning on the first day of October, nineteen hundred and eight, of interest on the canal debt contracted or to be contracted under article seven, section four of the Constitution." (Int. No. 1760.)

On motion of Mr. Merritt, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 129

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Joseph	Miller W G	Smith F L
Barden	Fellows	Klein	Murphy C F	Smith M
Bates	Filley	Lanahan	Murphy F J	Spielberg
Baumes	Foley	Laansing	Murray	Sullivan
Bennett	Fowler	Lee	Neupert	Surpless
Bohan	Francis	Leffingwell	Nolan	Thompson
Boshart	Frisbie	Levy A J	Odell	Thorn
Brady	Garbe	Levy J	Oliver	Todd
Brown C F	Geoghegan	Lewis	O'Neil	Toombs
Brown G W	Gillen	Lowe	Parker F B	Travis
Burhyte	Glore	Lowman	Parker J S	Voss
Caflan	Glück	Lupton	Partridge	Waddell
Caughlan	Goldberg	MacGregor	Perkins	Walters
Cheney	Graubard	Manley	Phillips C W	Waters
Clarke	Gray	Marks	Phillips J S	Weber
Colné	Green	Marlatt	Reed	Weimert
Conklin	Gunderman	Martin	Robinson	Wende
Cuvillier	Hackett	McCue	Rozan	White E H
De Groot	Hammond	McElligott	Sanner	Whitley
Donnelly	Hamn	McGrath	Sargent	Whitney
Draper	Hawley	McInerney	Schmidt	Williams
Duell	Hemenway	McLaughlin	Schutta	Wood
Eagleton	Hoey	Mead	Scott	Yale
Edwards	Howard	Merritt	Shea	Young E
Evans	Jackson	Millen	Smith A E	Young F L
Farrar	Jordan	Miller J L	Smith C	

Ordered, That the Clerk engross said bill and deliver the same to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 2386) entitled "An act to amend the Public Lands Law, in relation to persons entitled to petition for release in lands escheated to State." (Int. No. 1761.)

On motion of Mr. C. F. Murphy, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the



affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 129

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Joseph	Miller W G	Smith F L
Barden	Fellows	Klein	Murphy C F	Smith M
Bates	Filley	Lanahan	Murphy, F. J.	Spielberg
Baumes	Foley	Lansing	Murray	Sullivan
Bennett	Fowler	Lee	Neupert	Surpless
Bohan	Francis	Leffingwell	Nolan	Thompson
Boshart	Frisbie	Levy A J	Odell	Thorn
Brady	Garbe	Levy J	Oliver	Todd
Brown C F	Geoghegan	Lewis	O'Neil	Toombs
Brown G W	Gillen	Lowe	Parker F B	Travis
Burhyte	Glore	Lowman	Parker J S	Voss
Callan	Glück	Lupton	Partridge	Waddell
Caughlan	Goldberg	MacGregor	Perkins	Walters
Cheney	Graubard	Manley	Phillips C W	Waters
Clarke	Gray	Marks	Phillips J S	Weber
Colné	Green	Marlatt	Reed	Weimert
Conklin	Gunderman	Martin	Robinson	Wende
Cuvillier	Hackett	McCue	Rozan	White E H
De Groot	Hammond	McElligott	Sanner	Whitley
Donnelly	Hamn	McGrath	Sargent	Whitney
Draper	Hawley	McInerney	Schmidt	Williams
Duell	Hemenway	McLaughlin	Schutta	Wood
Eagleton	Hoey	Mead	Scott	Yale
Edwards	Howard	Merritt	Shea	Young E
Evans	Jackson	Millen	Smith A E	Young F L
Farrar	Jordan	Miller J L	Smith C	"

Ordered, That the Clerk engross said bill and deliver the same to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 2221) entitled, "An act to amend the Education Law, in relation to the establishment of a State school of agriculture in Genesee county, providing for its management and control, and making an appropriation therefor." (Int. No. 1670.)

On motion of Mr. F. B. Parker, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 128

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Joseph	Murphy C F	Smith F L
Barden	Fellows	Klein	Murphy F J	Smith M
Bates	Filley	Lansing	Murray	Spielberg
Baumes	Foley	Lee	Neupert	Sullivan
Bennett	Fowler	Leffingwell	Nolan	Surpless
Bohan	Francis	Levy A J	Odell	Thompson
Boshart	Frisbie	Levy J	Oliver	Thorn
Brady	Garbe	Lewis	O'Neil	Todd
Brown C F	Geoghegan	Lowe	Parker F B	Toombs
Brown G W	Gillen	Lowman	Parker J S	Travis
Burhyte	Glore	Lupton	Partridge	Voss
Callan	Glück	MacGregor	Perkins	Waddell
Caughlan	Goldberg	Manley	Phillips C W	Walters
Cheney	Graubard	Marks	Phillips J S	Waters
Clarke	Gray	Marlatt	Reed	Weber
Colné	Green	Martin	Robinson	Weimert
Conklin	Gunderman	McCue	Rozan	Wende
Cuvillier	Hackett	McElligott	Sanner	White E H
De Groot	Hammond	McGrath	Sargent	Whitley
Donnelly	Hamn	McInerney	Schmidt	Whitney
Draper	Hawley	McLaughlin	Schutta	Williams
Duell	Hemenway	Mead	Scott	Wood
Eagleton	Hoe	Merritt	Shea	Yale
Edwards	Howard	Millen	Smith A E	Young E
Evans	Jackson	Miller J L	Smith C	Young F L
Farrar	Jordan	Miller W G		

Ordered, That the Clerk engross said bill and deliver the same to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the Senate bill (No. 924) entitled "An act to amend the Code of Civil Procedure, relative to motions upon pleadings." (Rec. No. 154.)

Said bill having been announced for a second reading,

On motion of Mr. Conklin, and by unanimous consent, said bill was ordered placed on the second and third reading calendar for Thursday next.

Mr. Speaker announced the special order, being the Senate bill (No. 199) entitled "An act to amend the Code of Civil Procedure, as to proceedings after trial of a demurrer." (Rec. No. 153.)

Said bill having been announced for a second reading,

On motion of Mr. Conklin, and by unanimous consent, said bill was ordered placed on the second and third reading calendar for Thursday next.

Mr. Speaker announced the special order, being the Senate bill

(No. 1079) entitled 'An act to amend the Code of Civil Procedure, in relation to appeals to the Court of Appeals.' (Rec. No. 214.)

Said bill having been announced for a second reading,

On motion of Mr. Conklin, and by unanimous consent, said bill was ordered placed on the second and third reading calendar for Thursday next.

Mr. Speaker announced the special order, being the Senate bill (No. 931) entitled "An act authorizing an inquiry into the question as to providing terminal facilities on the canals of this State with a view of ultimately improving and fostering the commerce of the State, and making an appropriation therefor." (Rec. No. 140.)

On motion of Mr. Colné, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 129

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Joseph	Miller W G	Smith F L
Barden	Fellows	Klein	Murphy C F	Smith M
Bates	Filley	Lanahan	Murphy F J	Spielberg
Baumes	Foley	Lansing	Murray	Sullivan
Bennett	Fowler	Lee	Neupert	Surpluss
Bohan	Francis	Leffingwell	Nolan	Thompson
Boshart	Frisbie	Levy A J	Odell	Thorn
Brady	Garbe	Levy J	Oliver	Todd
Brown C F	Geoghegan	Lewis	O'Neil	Toombs
Brown G W	Gillen	Lowe	Parker F B	Travis
Burhyte	Glore	Lowman	Parker J S	Voss
Callan	Glück	Lupton	Partridge	Waddell
Caughlan	Goldberg	MacGregor	Perkins	Walters
Cheney	Graubard	Manley	Phillips C W	Waters
Clarke	Gray	Marks	Phillips J S	Weber
Colné	Green	Marlatt	Reed	Weimert
Conklin	Gunderman	Martin	Robinson	Wende
Cuvillier	Hackett	McCue	Rozan	White E H
De Groot	Hammond	McElligott	Sanner	Whitley



Donnelly	Hamn	McGrath	Sargent	Whitney
Draper	Hawley	McInerney	Schmidt	Williams
Duell	Hemenway	McLaughlin	Schutta	Wood
Eagleton	Hoey	Mead	Scott	Yale
Edwards	Howard	Merritt	Shea	Young E
Evans	Jackson	Millen	Smith A E	Young F L
Farrar	Jordan	Miller J L	Smith C	

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1442) entitled "An act to repeal sections one hundred and fifteen, one hundred and sixteen and three hundred and fifteen of the Judiciary Law." (Rec. No. 305.)

On motion of Mr. J. S. Phillips, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 124

NOES 6

Those who voted in the affirmative were:

Allen	Fay	Klein	Miller W G	Smith M
Barden	Fellows	Lanahan	Murphy C F	Spielberg
Bates	Filley	Lansing	Murphy F J	Sullivan
Baumes	Foley	Lee	Murray	Surpless
Bennett	Francis	Leffingwell	Neupert	Thompson
Bohan	Frisbie	Levy A J	Nolan	Thorn
Boshart	Garbe	Levy J	Odell	Todd
Brady	Geoghegan	Lewis	Oliver	Toombs
Brown C F	Gillen	Lowe	O'Neil	Travis
Brown G W	Glore	Lowman	Parker F B	Voss
Burhyte	Glück	Lupton	Parker J S	Waddell
Callan	Goldberg	MacGregor	Partridge	Waters
Caughlan	Graubard	Manley	Perkins	Weaver
Cheney	Gray	Marks	Phillips C W	Weber
Clarke	Green	Marlatt	Reed	Weimert
Colné	Gunderman	Martin	Robinson	Wende
Conklin	Hackett	McCue	Rozan	White E H
Cuvillier	Hammond	McElligott	Sanner	Whitley
De Groot	Hamn	McGrath	Sargent	Whitney
Donnelly	Hawley	McInerney	Schmidt	Williams
Draper	Hemenway	McLaughlin	Schutta	Wood

Duell	Hoey	Mead	Shea	Yale
Eagleton	Jackson	Merritt	Smith A E	Young E
Edwards	Jordan	Millen	Smith C	Young F L
Evans	Joseph	Miller J L	Smith F L	

Those who voted in the negative were:

Farrar	Howard	Phillips J S	Scott	Walters
Fowler				

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1496) entitled "An act to amend the Highway Law, by repealing article eleven thereof and inserting a new article eleven, in relation to motor vehicles." (Rec. No. 307.)

Said bill having been announced,

Debate was had thereon.

Mr. Howard moved to amend as follows:

Page 6, line 20, after the word "power" insert "and less than forty-horse power; and twenty dollars upon the registration of a motor vehicle having a rate of forty-horse power."

Page 10, line 21, after the word "State" insert "and under the laws of such State the holder of a license issued under this act is exempt from the provisions of the law of said State, in regard to obtaining of a license therein."

Page 12, line 14, after the word "person" strike out the period and insert "and at a rate of speed not exceeding that established by the authorities of a city, village or town, in which such motor vehicle is being operated."

Page 14, line 23, after the word "section" insert "and which exempt licensed chauffeur of this State."

Page 15, line 13, strike out all the line after the word "ways", and all of lines 14, 15 and 16; after the period on line 27 insert "nothing herein contained shall prevent the proper authorities of any city, village or town from passing and enforcing ordinances, rules and regulations, regulating the rate of speed of a motor vehicle in such city, village or town; provided, however, that if local ordinances, rules and regulations are enacted, proper and suitable signs shall be posted, upon which shall be clearly stated the rate of speed established by such ordinance, rule or regulation."

Mr. Speaker put the question whether the House would agree

to said motion of Mr. Howard, and it was determined in the affirmative.

Ordered, That said bill be reprinted and restored to the special order of second and third reading.

Mr. Walters moved to reconsider the vote by which said bill was amended, and that said motion lie on the table.

Mr. Speaker put the question whether the House would agree to said motion, and it was decided in the affirmative.

Mr. Speaker announced the special order, being the Senate bill (No. 1326) entitled "An act to provide for granting pensions to soldiers, sailors and marines, who served in the army or navy of the United States, from the State of New York, in the Civil War, making provision for issuing bonds to the extent of two million dollars for the payment of such pensions, and providing for the submission of this act to a vote of the people at the general election to be held in nineteen hundred and nine." (Rec. No. 306.)

On motion of Mr. Gray, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question, "Shall this bill pass and ought the same to receive the sanction of the people," and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present:

AYES 131

NOES 3

Those who voted in the affirmative were:

Allen	Fowler	Lansing	Miller W G	Staley
Barden	Francis	Lazarus	Murphy C F	Stern
Bates	Frisbie	Lee	Murphy F J	Sullivan
Baumann	Geoghegan	Leffingwell	Murray	Surpless
Baumes	Gillen	Levy A J	Neupert	Thompson
Bohan	Glore	Levy J	Nolan	Thorn
Boshart	Glück	Lewis	Odell	Toombs
Brown C F	Goldberg	Lowe	Oliver	Travis
Brown G W	Goodspeed	Lowman	O'Neil	Voss
Burhyte	Graubard	Lupton	Parker J S	Waddell
Callan	Gray	MacGregor	Partridge	Walters
Caughlan	Green	Manley	Perkins	Ward
Cheney	Gunderman	Marks	Phillips C W	Waters
Clarke	Hackett	Marlatt	Phillips J S	Weaver



Colné	Haines	Martin	Reed	Weber
Cuvillier	Hammond	McCue	Robinson	Weimert
De Groot	Hamn	McElligott	Rozan	Wende
Donnelly	Hawley	McFarlane	Sanner	White L H
Draper	Hemenway	McGrath	Sargent	Whitley
Eagleton	Hoey	McInerney	Schutta	Whitney
Edwards	Howard	McKeon	Scott	Williams
Evans	Jackson	McLaughlin	Shea	Wood
Farrar	Jordan	Mead	Smith A E	Yale
Fay	Joseph	Merritt	Smith C	Young E
Fellows	Klein	Millen	Smith F L	Young F L
Filley	Lachman	Miller J L	Smith M	Speaker
Foley				

Those who voted in the negative were:

Bennett      Duell      Parker F B

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1459) entitled "An act to amend chapter twenty-eight of the Consolidated Insurance Laws of nineteen hundred and nine, relating to partnership or association of underwriters known as Lloyds." (Rec. No. 345.)

On motion of Mr. Hamn, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 128

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Joseph	Murphy C F	Smith F L
Barden	Fellows	Klein	Murphy F J	Smith M
Bates	Filley	Lansing	Murray	Spielberg
Baumes	Foley	Lee	Neupert	Sullivan
Bennett	Fowler	Leffingwell	Nolan	Surpless
Bohan	Francis	Levy A J	Odell	Thompson
Boshart	Frisbie	Levy J	Oliver	Thorn
Brady	Garbe	Lewis	O'Neil	Todd
Brown C F	Geoghegan	Lowe	Parker F B	Toombs
Brown G W	Gillen	Lowman	Parker J S	Travis
Burhyte	Glore	Lupton	Partridge	Voss

Callan	Glück	MacGregor	Perkins	Waddell
Caughlan	Goldberg	Manley	Phillips C W	Walters
Cheney	Graubard	Marks	Phillips J S	Waters
Clarke	Gray	Marlatt	Reed	Weber
Colne	Green	Martin	Robinson	Weimert
Conklin	Gunderman	McCue	Rozan	Wende
Cuvillier	Hackett	McElligott	Sanner	White E H
De Groot	Hammond	McGrath	Sargent	Whitley
Donnelly	Hamn	McInerney	Schmidt	Whitney
Draper	Hawley	McLaughlin	Schutta	Williams
Duell	Hemenway	Mead	Scott	Wood
Eagleton	Hoey	Merritt	Shea	Yale
Edwards	Howard	Millen	Smith A E	Young E
Evans	Jackson	Miller J L	Smith C	Young F L
Farrar	Jordan	Miller W G		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1473) entitled "An act making an appropriation for the State Commission of Highways for the maintenance and repair of public highways improved or constructed by State aid." (Rec. No. 357.)

On motion of Mr. Merritt, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 128

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Joseph	Murphy C F	Smith F L
Barden	Fellows	Klein	Murphy F J	Smith M
Bates	Filley	Lansing	Murray	Spielberg
Baumes	Foley	Lee	Neupert	Sullivan
Bennett	Fowler	Leffingwell	Nolan	Surples
Bohan	Francis	Levy A J	Odell	Thompson
Boshart	Frisbie	Levy J	Oliver	Thorn
Brady	Garbe	Lewis	O'Neil	Todd
Brown C F	Geoghegan	Lowe	Parker F B	Toombs
Brown G W	Gillen	Lowman	Parker J S	Travis
Burhyte	Glore	Lupton	Partridge	Voss
Callan	Glück	MacGregor	Perkins	Waddell

Caughlan	Goldberg	Manley	Phillips C W	Walters
Cheney	Graubard	Marks	Phillips J S	Waters
Clarke	Gray	Marlatt	Reed	Weber
Colné	Green	Martin	Robinson	Weimert
Conklin	Gunderman	McCue	Rozan	Wende
Cuvillier	Hackett	McElligott	Sanner	White E H
De Groot	Hammond	McGrath	Sargent	Whitley
Donnelly	Hamn	McInerney	Schmidt	Whitney
Draper	Hawley	McLaughlin	Schutta	Williams
Duell	Hemenway	Mead	Scott	Wood
Eagleton	Hoey	Merritt	Shea	Yale
Edwards	Howard	Millen	Smith A E	Young E
Evans	Jackson	Miller J L	Smith C	Young F L
Farrar	Jordan	Miller W G		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1474) entitled "An act making an appropriation for highway improvement purposes." (Rec. No. 356.)

On motion of Mr. Merritt, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 128

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Joseph	Murphy C F	Smith F I
Barden	Fellows	Klein	Murphy F J	Smith M
Bates	Filley	Lansing	Murray	Spielberg
Baumes	Foley	Lee	Neupert	Sullivan
Bennett	Fowler	Leffingwell	Nolan	Surpless
Bohan	Francis	Levy A J	Odell	Thompson
Boshart	Frisbie	Levy J	Oliver	Thorn
Brady	Garbe	Lewis	O'Neil	Todd
Brown C F	Geoghegan	Lowe	Parker F B	Toombs
Brown G W	Gillen	Lowman	Parker J S	Travis
Burhyte	Glore	Lupton	Partridge	Voss
Callan	Glück	MacGregor	Perkins	Waddell
Caughlan	Goldberg	Manley	Phillips C W	Walters
Cheney	Graubard	Marks	Phillips J S	Waters
Clarke	Gray	Marlatt	Reed	Weber
Colné	Green	Martin	Robinson	Weimert
Conklin	Gundermen	McCue	Rozan	Wende



Cuvillier	Hackett	McElligott	Sanner	White E H
De Groot	Hammond	McGrath	Sargent	Whitley
Donnelly	Hamn	McInerney	Schmidt	Whitney
Draper	Hawley	McLaughlin	Schutta	Williams
Duell	Hemenway	Mead	Scott	Wood
Eagleton	Hoe	Merritt	Shea	Yale
Edwards	Howard	Millen	Smith A E	Young E
Evans	Jackson	Miller J L	Smith C	Young F L
Farrer	Jordan	Miller W G		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1485) entitled "An act to amend the Banking Law, in relation to deposits with Superintendent." (Rec. No. 340.)

On motion of Mr. Francis, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 128

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Joseph	Murphy C F	Smith F L
Barden	Fellows	Klein	Murphy F J	Smith M
Bates	Filley	Lansing	Murray	Spielberg
Baumes	Foley	Lee	Neupert	Sullivan
Bennett	Fowler	Leffingwell	Nolan	Surpless
Bohan	Francis	Levy A J	Odell	Thompson
Boshart	Frisbie	Levy J	Oliver	Thorn
Brady	Garbe	Lewis	O'Neil	Todd
Brown C F	Geoghegan	Lowe	Parker F B	Toombs
Brown G W	Gillen	Lowman	Parker J S	Travis
Burhyte	Glore	Lupton	Partridge	Voss
Callan	Glück	MacGregor	Perkins	Waddell
Caughlan	Goldberg	Manley	Phillips C W	Walters
Cheney	Graubard	Marks	Phillips J S	Waters
Clarke	Gray	Marlatt	Reed	Weber
Colné	Green	Martin	Robinson	Weimert
Conklin	Gunderman	McCue	Rozan	Wende
Cuvillier	Hackett	McElligott	Sanner	White E H
De Groot	Hammond	McGrath	Sargent	Whitley
Donnelly	Hamn	McInerney	Schmidt	Whitney
Draper	Hawley	McLaughlin	Schutta	Williams
Duell	Hemenway	Mead	Scott	Wood

Eagleton	Hoey	Merritt	Shea	Yale
Edwards	Howard	Millen	Smith A E	Young E
Evans	Jackson	Miller J L	Smith C	Young F L
Farrar	Jordan	Miller W G		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1399) entitled "An act to amend the Forest, Fish and Game Law, generally." (Rec. No. 275.)

On motion of Mr. Lupton, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 129

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Joseph	Miller W G	Smith F L
Barden	Fellows	Klein	Murphy C F	Smith M
Bates	Filley	Lanahan	Murphy F J	Spielberg
Baumes	Foley	Lansing	Murray	Sullivan
Bennett	Fowler	Lee	Neupert	Surpless
Bohan	Francis	Leffingwell	Nolan	Thompson
Boshart	Frisbie	Levy A J	Odell	Thorn
Brady	Garbe	Levy J	Oliver	Todd
Brown C F	Geoghegan	Lewis	O'Neil	Toombs
Brown G W	Gillen	Lowe	Parker F B	Travis
Burhyte	Glore	Lowman	Parker J S	Voss
Callan	Glück	Lupton	Partridge	Waddell
Caughlan	Goldberg	MacGregor	Perkins	Walters
Cheney	Graubard	Manley	Phillips C W	Waters
Clarke	Gray	Marks	Phillips J S	Weber
Colné	Green	Marlatt	Reed	Weimert
Conklin	Gunderman	Martin	Robinson	Wende
Cuvillier	Hackett	McCue	Rozan	White E H
De Groot	Hammond	McElligott	Sanner	Whitley
Donnelly	Hamn	McGrath	Sargent	Whitney
Draper	Hawley	McInerney	Schmidt	Williams
Duell	Hemenway	McLaughlin	Schutta	Wood
Eagleton	Hoey	Mead	Scott	Yale
Edwards	Howard	Merritt	Shea	Young E
Evans	Howard	Millen	Smith A E	Young F L
Farrar	Jordan	Miller J L	Smith C	

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1397, Assembly reprint No. 2374) entitled "An act to amend the Second Class Cities Law, in relation to creating a buildings department." (Rec. No. 274.)

On motion of Mr. Hammond, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 128

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Joseph	Murphy C F	Smith F L
Barden	Fellows	Klein	Murphy F J	Smith M
Bates	Filley	Lansing	Murray	Spielberg
Baumes	Foley	Lee	Neupert	Sullivan
Bennett	Fowler	Leffingwell	Nolan	Surpless
Bohan	Francis	Levy A J	Odell	Thompson
Boshart	Frisbie	Levy J	Oliver	Thorn
Brady	Garbe	Lewis	O'Neil	Todd
Brown C F	Geoghegan	Lowe	Parker F B	Toombs
Brown G W	Gillen	Lowman	Parker J S	Travis
Burhyte	Glore	Lupton	Partridge	Voss
Callan	Glück	MacGregor	Perkins	Waddell
Caughlan	Goldberg	Manley	Phillips C W	Walters
Cheney	Graubard	Marks	Phillips J S	Waters
Clarke	Gray	Marlatt	Reed	Weber
Coln <sup>6</sup>	Green	Martin	Robinson	Weimert
Conklin	Gunderman	McCue	Rozan	Wende
Cuvillier	Hackett	McElligott	Sanner	White E H
De Groot	Hammond	McGrath	Sargent	Whitley
Donnelly	Hamm	McInerney	Schmidt	Whitney
Draper	Hawley	McLaughlin	Schutta	Williams
Duell	Hemenway	Mead	Scott	Wood
Eagleton	Hoey	Merritt	Shea	Yale
Edwards	Howard	Millen	Smith A E	Young E
Evans	Jackson	Miller J L	Smith C	Young F L
Farrar	Jordan	Miller W G		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same, with amendments.



Mr. Speaker announced the special order, being the Senate bill (No. 1241) entitled "An act to provide for the construction of a lift or hoist bridge over the Erie canal at Franklin street in the city of Syracuse and making an appropriation therefor." (Rec. No. 322.)

On motion of Mr. Hammond, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 128

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Joseph	Murphy C F	Smith F L
Barden	Fellows	Klein	Murphy F J	Smith M
Bates	Filley	Lansing	Murray	Spielberg
Baumes	Foley	Lee	Neupert	Sullivan
Bennett	Fowler	Leffingwell	Nolan	Surpluss
Bohan	Francis	Levy A J	Odell	Thompson
Boshart	Frisbie	Levy J	Oliver	Thorn
Brady	Garbe	Lewis	O'Neil	Todd
Brown C F	Geoghegan	Lowe	Parker F B	Toombs
Brown G W	Gillen	Lowman	Parker J S	Travis
Burhyte	Glore	Lupton	Partridge	Voss
Callan	Glück	MacGregor	Perkins	Waddell
Caughlan	Goldberg	Manley	Phillips C W	Walters
Cheney	Graubard	Marks	Phillips J S	Waters
Clarke	Gray	Marlatt	Reed	Weber
Colné	Green	Martin	Robinson	Weimert
Conklin	Gunderman	McCue	Rozan	Wende
Cuvillier	Hackett	McElligott	Sanner	White E H
De Groot	Hammond	McGrath	Sargent	Whitley
Donnelly	Hamn	McInerney	Schmidt	Whitney
Draper	Hawley	McLaughlin	Schutta	Williams
Duell	Hemenway	Mead	Scott	Wood
Eagleton	Hoey	Merritt	Shea	Yale
Edwards	Howard	Millen	Smith A E	Young E
Evans	Jackson	Miller J L	Smith C	Young F L
Farrar	Jordan	Miller W G		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill

(No. 907) entitled "An act to amend chapter five hundred and eighty of the Laws of nineteen hundred and two, entitled 'An act in relation to the Municipal Court of the city of New York, its officers and marshals,' in relation to appeals." (Rec. No. 152.)

On motion of Mr. C. F. Murphy, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 128

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Joseph	Murphy C F	Smith F L
Barden	Fellows	Klein	Murphy F J	Smith M
Bates	Filley	Lansing	Murray	Spielberg
Baumes	Foley	Lee	Neupert	Sullivan
Bennett	Fowler	Leffingwell	Nolan	Surpless
Bohan	Francis	Levy A J	Odell	Thompson
Boshart	Frisbie	Levy J	Oliver	Thorn
Brady	Garbe	Lewis	O'Neil	Todd
Brown C F	Geoghegan	Lowe	Parker F B	Toombs
Brown G W	Gillen	Lowman	Parker J S	Travis
Burhyte	Glore	Lupton	Partridge	Voss
Callan	Glück	MacGregor	Perkins	Waddell
Caughlan	Goldberg	Manley	Phillips C W	Walters
Cheney	Graubard	Marks	Phillips J S	Waters
Clarke	Gray	Marlatt	Reed	Weber
Colné	Green	Martin	Robinson	Weimert
Conklin	Gunderman	McCue	Rozan	Wende
Cuvillier	Hackett	McElligott	Sanner	White E H
De Groot	Hammond	McGrath	Sargent	Whitley
Donnelly	Hamm	McInerney	Schmidt	Whitney
Draper	Hawley	McLaughlin	Schutta	Williams
Duell	Hemenway	Mead	Scott	Wood
Eagleton	Hoey	Merritt	Shea	Yale
Edwards	Howard	Millen	Smith A E	Young E
Evans	Jackson	Miller J L	Smith C	Young F L
Farrar	Jordan	Miller W G		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1183) entitled "An act to amend the Military Law, in relation to the militia of the State." (Rec. No. 351.)

On motion of Mr. MacGregor, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 129

NOES 00

Those who voted in the affirmative were:

Allen	Farrar	Jordan	Miller W G	Smith F L
Barden	Fay	Joseph	Murphy C F	Smith M
Bates	Fellows	Klein	Murphy F J	Spielberg
Baumes	Filley	Lansing	Murray	Sullivan
Bennett	Foley	Lee	Neupert	Surpless
Bohan	Fowler	Leffingwell	Nolan	Thompson
Boshart	Francis	Levy A J	Odell	Thorn
Brady	Frisbie	Levy J	Oliver	Todd
Brown C F	Garbe	Lewis	O'Neil	Toombs
Brown G W	Geoghegan	Lowe	Parker F B	Travis
Burhyte	Gillen	Lowman	Parker J S	Voss
Callan	Glore	Lupton	Partridge	Waddell
Caughlan	Glück	MacGregor	Perkins	Walters
Cheney	Goldberg	Manley	Phillips C W	Waters
Clarke	Graubard	Marks	Phillips J S	Weber
Colné	Gray	Marlatt	Reed	Weimert
Conklin	Green	Martin	Robinson	Wende
Costello	Gunderman	McCue	Rozan	White E H
Cuvillier	Hackett	McElligott	Sanner	Whitley
De Groot	Hammond	McGrath	Sargent	Whitney
Donnelly	Hamn	McInerney	Schmidt	Williams
Draper	Hawley	McLaughlin	Schutta	Wood
Duell	Hemenway	Mead	Scott	Yale
Eagleton	Hoey	Merritt	Shea	Young E
Edwards	Howard	Millen	Smith A E	Young F L
Evans	Jackson	Miller J L	Smith C	

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1376) entitled "An act relating to the Capitol Building and a suitable building for the Court of Appeals, and making an appropriation therefor." (Rec. No. 350.)

On motion of Mr. Merritt, said bill was read the second time and ordered to a third reading.



Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 128

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Joseph	Murphy C F	Smith F L
Barden	Fellows	Klein	Murphy F J	Smith M
Bates	Filley	Lansing	Murray	Spielberg
Baumes	Foley	Lee	Neupert	Sullivan
Bennett	Fowler	Leffingwell	Nolan	Surpless
Bohan	Francis	Levy A J	Odell	Thompson
Boshart	Frisbie	Levy J	Oliver	Thorn
Brady	Garbe	Lewis	O'Neil	Todd
Brown C F	Geoghegan	Lowe	Parker F B	Toombs
Brown G W	Gillen	Lowman	Parker J S	Travis
Burhyte	Glore	Lupton	Partridge	Voss
Callan	Glück	MacGregor	Perkins	Waddell
Caughlan	Goldberg	Manley	Phillips C W	Walters
Cheney	Graubard	Marks	Phillips J S	Waters
Clarke	Gray	Marlatt	Reed	Weber
Colné	Green	Martin	Robinson	Weimert
Conklin	Gunderman	McCue	Rozan	Wende
Cuvillier	Hackett	McElligott	Sanner	White E H
De Groot	Hammond	McGrath	Sargent	Whitley
Donnelly	Hamm	McInerney	Schmidt	Whitney
Draper	Hawley	McLaughlin	Schutta	Williams
Duell	Hemenway	Mead	Scott	Wood
Eagleton	Hoey	Merritt	Shea	Yale
Edwards	Howard	Millen	Smith A E	Young E
Evans	Jackson	Miller J L	Smith C	Young F L
Farrar	Jordan	Miller W G		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1317) entitled "An act to amend chapter seven hundred and twenty-four of the Laws of nineteen hundred and five, entitled 'An act to provide for an additional supply of pure and wholesome water for the city of New York; and for the acquisition of lands or interests therein, and for the construction of the necessary reservoirs, dams, aqueducts, filters and other appurtenances for that purpose, and for the appointment of a commis-

sion with the powers and duties necessary and proper to attain these objects,' in relation to water for the city of Newburgh, and to confer jurisdiction upon the State Water Supply Commission in respect thereto." (Rec. No. 298.)

On motion of Mr. Baumes, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 129

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Joseph	Miller W G	Smith F L
Barden	Fellows	Klein	Murphy C F	Smith M
Bates	Filley	Lanahan	Murphy F J	Spielberg
Baumes	Foley	Lansing	Murray	Sullivan
Bennett	Fowler	Lee	Neupert	Surpluss
Bohan	Francis	Leffingwell	Nolan	Thompson
Boshart	Frisbie	Levy A J	Odell	Thorn
Brady	Garbe	Levy J	Oliver	Todd
Brown C F	Geoghegan	Lewis	O'Neil	Toombs
Brown G W	Gillen	Lowe	Parker F B	Travis
Burhyte	Glore	Lowman	Parker J S	Voss
Callan	Gluck	Lupton	Partridge	Waddell
Caughlan	Goldberg	MacGregor	Perkins	Walters
Cheney	Graubard	Manley	Phillips C W	Waters
Clarke	Gray	Marks	Phillips J S	Weber
Colné	Green	Marlatt	Reed	Weimert
Conklin	Gunderman	Martin	Robinson	Wende
Cuvillier	Hackett	McCue	Rozan	White E H
De Groot	Hammond	McElligott	Sanner	Whitley
Donnelly	Hamm	McGrath	Sargent	Whitney
Draper	Hawley	McInerney	Schmidt	Williams
Duell	Hemenway	McLaughlin	Schutta	Wood
Eagleton	Hoey	Mead	Scott	Yale
Edwards	Howard	Merritt	Shea	Young E
Evans	Jackson	Millen	Smith A E	Young F L
Farrar	Jordan	Miller J L	Smith C	

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1127) entitled "An act to amend the Poor Law, in relation

to the method of estimating the sums to be raised by taxation in any town for the support of the poor therein." (Rec. No. 302.)

On motion of Mr. Haines, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 129

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Joseph	Miller W G	Smith F L
Barden	Fellows	Klein	Murphy C F	Smith M
Bates	Filley	Lanahan	Murphy F J	Spielberg
Baumes	Foley	Lansing	Murray	Sullivan
Bennett	Fowler	Lee	Neupert	Surpluss
Bohan	Francis	Leffingwell	Nolan	Thompson
Boshart	Frisbie	Levy A J	Odell	Thorn
Brady	Garbe	Levy J	Oliver	Todd
Brown C F	Geoghegan	Lewis	O'Neil	Toombs
Brown G W	Gillen	Lowe	Parker F B	Travis
Burhyte	Glore	Lowman	Parker J S	Voss
Callan	Glück	Lupton	Partridge	Waddell
Caughlan	Goldberg	MacGregor	Perkins	Walters
Cheney	Graubard	Manley	Phillips C W	Waters
Clarke	Gray	Marks	Phillips J S	Weber
Colné	Green	Marlatt	Reed	Weimert
Conklin	Gunderman	Martin	Robinson	Wende
Cuvillier	Hackett	McCue	Rozan	White E H
De Groot	Hammond	McElligott	Sanner	Whitley
Donnelly	Hamm	McGrath	Sargent	Whitney
Draper	Hawley	McInerney	Schmidt	Williams
Duell	Hemenway	McLaughlin	Schutta	Wood
Eagleton	Hoey	Mead	Scott	Yale
Edwards	Howard	Merritt	Shea	Young E
Evans	Jackson	Millen	Smith A E	Young F L
Farrar	Jordan	Miller J L	Smith C	

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1387) entitled "An act relative to the powers and duties of the trustees of public lands of the town of Rye, in Westchester county." (Rec. No. 303.)



On motion of Mr. Haines, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 129

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Joseph	Miller W G	Smith F L
Barden	Fellows	Klein	Murphy C F	Smith M
Bates	Filley	Lachman	Murphy F J	Spielberg
Baumes	Foley	Lansing	Murray	Sullivan
Bennett	Fowler	Lee	Neupert	Surpless
Bohan	Francis	Leffingwell	Nolan	Thompson
Boshart	Frisbie	Levy A J	Odell	Thorn
Brady	Garbe	Levy J	Oliver	Todd
Brown C F	Geoghegan	Lewis	O'Neil	Toombs
Brown G W	Gillen	Lowe	Parker F B	Travis
Burhyte	Glore	Lowman	Parker J S	Voss
Callan	Glück	Lupton	Partridge	Waddell
Caughlan	Goldberg	MacGregor	Perkins	Walters
Cheney	Graubard	Manley	Phillips C W	Waters
Clarke	Gray	Marks	Phillips J S	Weber
Colné	Green	Marlatt	Reed	Weimert
Conklin	Gunderman	Martin	Robinson	Wende
Cuvillier	Hackett	McCue	Rozan	White E H
De Groot	Hammond	McElligott	Sanner	Whitley
Donnelly	Hamn	McGrath	Sargent	Whitney
Draper	Hawley	McInerney	Schmidt	Williams
Duell	Hemenway	McLaughlin	Schutta	Wood
Eagleton	Hoev	Mead	Scott	Ysle
Edwards	Howard	Merritt	Shea	Young E
Evans	Jackson	Millen	Smith A E	Young F L
Farrar	Jordan	Miller J L	Smith C	

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1328) entitled "An act to create a forest reservation in the Highlands of the Hudson, west of the Hudson river, to be known as the Highlands of the Hudson forest reservation, to provide for its regulation and making an appropriation therefor." (Rec. No. 331.)

On motion of Mr. Haines, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 132

NOES 00

Those who voted in the affirmative were:

Allen	Fellows	Lanahan	Murphy F J	Spielberg
Barden	Filley	Lansing	Murray	Staley
Bates	Foley	Lee	Neupert	Stein
Baumes	Fowler	Leffingwell	Nolan	Stern
Bennett	Francis	Levy A J	Odell	Sullivan
Bohan	Frisbie	Levy J	Oliver	Surpluss
Boshart	Garbe	Lewis	O'Neil	Thompson
Brady	Geoghegan	Lowe	Parker F B	Thorn
Brown C F	Gillen	Lowman	Parker J S	Todd
Brown G W	Glore	Lupton	Partridge	Toombs
Burhyte	Glück	MacGregor	Perkins	Travis
Callan	Goldberg	Manley	Phillips C W	Voss
Caughlan	Graubard	Marks	Phillips J S	Waddell
Cheney	Gray	Marlatt	Reed	Walters
Clarke	Green	Martin	Robinson	Waters
Colné	Gunderman	McCue	Rozan	Weber
Conklin	Hackett	McElligott	Sanner	Weimert
Cuvillier	Hammond	McGrath	Sargent	Wende
De Groot	Hamn	McInerney	Schmidt	White E H
Donnelly	Hawley	McLaughlin	Schutta	Whitley
Draper	Hemenway	Mead	Scott	Whitney
Duell	Hoey	Merritt	Shea	Williams
Eagleton	Howard	Millen	Smith A E	Wood
Edwards	Jackson	Miller J L	Smith C	Yale
Evans	Jordan	Miller W G	Smith F L	Young E
Farrar	Joseph	Murphy C F	Smith M	Young F L
Fay	Klein			

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

The bill (No. 2375) entitled "An act to amend the Code of Criminal Procedure, relative to the appointment of stenographers to take evidence before grand juries and at coroner's inquests and examinations and trials of criminal cases" (Int. No. 205), was read the third time, having been printed and upon the desks of the

members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 130

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Joseph	Miller W G	Smith F L
Barden	Fellows	Klein	Murphy C F	Smith M
Bates	Filley	Lanahan	Murphy F J	Spielberg
Baumes	Foley	Lansing	Murray	Sullivan
Bohan	Fowler	Lee	Neupert	Surplless
Boshart	Francis	Leffingwell	Nolan	Thompson
Brady	Frisbie	Levy A J	Odell	Thorn
Brennan	Garbe	Levy J	Oliver	Todd
Brown C F	Geoghegan	Lewis	O'Neil	Toombs
Brown G W	Gillen	Lowe	Parker F B	Travis
Burhyte	Glore	Lowman	Parker J S	Voss
Callan	Glück	Lupton	Partridge	Waddell
Caughlan	Goldberg	MacGregor	Perkins	Walters
Cheney	Graubard	Manley	Phillips C W	Waters
Clarke	Gray	Marks	Phillips J S	Weaver
Colne	Green	Marlatt	Reed	Weber
Conklin	Gunderman	Martin	Robinson	Weimert
Cuvillier	Hackett	McCue	Rozan	Wende
De Groot	Hammond	McElligott	Sanner	White E H
Donnelly	Hamm	McGrath	Sargent	Whitley
Draper	Hawley	McInerney	Schmidt	Whitney
Duell	Hemenway	McLaughlin	Schutta	Williams
Eagleton	Hoey	Mead	Scott	Wood
Edwards	Howard	Merritt	Shea	Yale
Evans	Jackson	Millen	Smith A E	Young E
Farrar	Jordan	Miller J L	Smith C	Young F L

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have reconsidered their vote on the final passage of said bill, and, as amended, have again passed the same and request the concurrence of the Senate therein.

The bill (No. 2376) entitled "An act to amend chapter six hundred and sixty-six of the Laws of eighteen hundred and ninety-three, entitled 'An act to revise, amend, and consolidate the several acts relating to the village of Canandaigua, and to repeal certain acts and parts of acts,' and the several acts amendatory thereof, generally" (Int. No. 1373), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.



Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 129

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Joseph	Miller W G	Smith F L
Barden	Fellows	Klein	Murphy C F	Smith M
Bates	Filley	Lanahan	Murphy F J	Spielberg
Baumes	Foley	Lansing	Murray	Sullivan
Bennett	Fowler	Lee	Neupert	Surpless
Bohan	Francis	Leffingwell	Nolan	Thompson
Boshart	Frisbie	Levy A J	Odell	Thorn
Brady	Garbe	Levy J	Oliver	Todd
Brown C F	Geoghegan	Lewis	O'Neil	Toombs
Brown G W	Gillen	Lowe	Parker F B	Travis
Burhyte	Glore	Lowman	Parker J S	Voss
Callan	Glück	Lupton	Partridge	Waddell
Caughlan	Goldberg	MacGregor	Perkins	Walters
Cheney	Graubard	Manley	Phillips C W	Waters
Clarke	Gray	Marks	Phillips J S	Weber
Colné	Green	Marlatt	Reed	Weimert
Conklin	Gunderman	Martin	Robinson	Wende
Cuvillier	Hackett	McCue	Rozan	White E H
De Groot	Hammond	McElligott	Sanner	Whitley
Donnelly	Hamn	McGrath	Sargent	Whitney
Draper	Hawley	McInerney	Schmidt	Williams
Duell	Hemenway	McLaughlin	Schutta	Wood
Eagleton	Hoey	Mead	Scott	Yale
Edwards	Howard	Merritt	Shea	Young E
Evans	Jackson	Millen	Smith A E	Young F L
Farrar	Jordan	Miller J L	Smith C	

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have reconsidered their vote on the final passage of said bill, and, as amended, have again passed the same and request the concurrence of the Senate therein.

The Senate bill (No. 345) entitled "An act authorizing and empowering the comptroller of the city of Buffalo to open and keep a special work account, and authorizing said city to issue or award its bonds for the purpose of raising money therefor" (Rec. No. 32), was read the second time.

On motion of Mr. Rozan, said bill was placed on the order of third reading.

By unanimous consent, and on motion of Mr. Merritt, the committee on rules was instructed to report Assembly bill (No. 2398, Int. No. 1768), entitled "An act authorizing the use of the State

hospital site at Comstock for prison purposes, providing for the construction, management, equipment and maintenance of a State prison on said site and making an appropriation therefor."

Mr. Speaker, from the committee on rules, reported said bill as directed.

On motion of Mr. Merritt, and by unanimous consent, said bill was read the second time and ordered to a third reading.

A message from the Governor was received and read, in words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER.

*To the Legislature:*

It appearing to my satisfaction that the public interest requires it;

Therefore, in accordance with the provisions of section 15 of article 3 of the Constitution and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Assembly bill (No. 2398, Int. No. 1768), entitled "An act authorizing the use of the State hospital site at Comstock for prison purposes, providing for the construction, management, equipment and maintenance of a State prison on said site and making an appropriation therefor."

Given under my hand and the privy seal of the State at the Capitol, in the city of Albany, this twenty-eighth day of April, in the year of our Lord one thousand nine hundred and nine.

(Signed.) CHARLES E. HUGHES.

By the Governor:

ROBERT H. FULLER,

*Secretary to the Governor.*

Said bill was then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, the necessity for the immediate passage of the same having been certified by the Governor, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 129

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Joseph	Miller W G	Smith F L
Barden	Fellows	Klein	Murphy C F	Smith M
Bates	Filley	Lanahan	Murphy F J	Spielberg
Baumes	Foley	Lansing	Murray	Sullivan
Bennett	Fowler	Lee	Neupert	Surples
Bohan	Francis	Leffingwell	Nolan	Thompson
Boshart	Frisbie	Levy A J	Odell	Thorn
Brady	Garbe	Levy J	Oliver	Todd
Brown C F	Geoghegan	Lewis	O'Neil	Toombs
Brown G W	Gillen	Lowe	Parker F B	Travis
Burhyte	Glore	Lowman	Parker J S	Voss
Callan	Glück	Lupton	Partridge	Waddell
Caughlan	Goldberg	MacGregor	Perkins	Walters
Cheney	Graubard	Manley	Phillips C W	Waters
Clarke	Gray	Marks	Phillips J S	Weber
Colné	Green	Marlatt	Reed	Weimert
Conklin	Gunderman	Martin	Robinson	Wende
Cuvillier	Hackett	McCue	Rozan	White E H
De Groot	Hammond	McElligott	Sanner	Whitley
Donnelly	Hamn	McGrath	Sargent	Whitney
Draper	Hawley	McInerney	Schmidt	Williams
Duell	Hemenway	McLaughlin	Schutta	Wood
Eagleton	Hoey	Mead	Scott	Yale
Edwards	Howard	Merritt	Shea	Young E
Evans	Jackson	Millen	Smith A E	Young F L
Farrar	Jordan	Miller J L	Smith C	

Ordered, That the Clerk engross said bill and deliver the same to the Senate and request their concurrence therein.

The Senate returned the Assembly bill (No. 732, Senate reprint No. 1490, Int. No. 681), entitled "An act to amend the State Printing Law, in relation to publication of reports," with a message that they have concurred in the passage of the same, with the following amendments:

(By Senate bill No. 1002.)

Page 3, line 13, strike out the word "one" and insert the word "three".

Page 4, after the semicolon on line 17, insert "of the report of the State Water Supply Commission, two thousand five hundred copies;"

(By Senate bill No. 1174.)

Second line of the title, strike out the word "the" and place the letter "s" after report so as to read "reports"; strike out all the balance of the line.

(By Senate bill No. 1490.)

Page 4, line 23, before the word "and" insert "of the report of the State Highway Commission, two thousand copies;"

Mr. Fowler moved to concur in the Senate amendments.



Mr. Speaker put the question whether the House would concur in said amendments, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 129

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Joseph	Miller W G	Smith F L
Barden	Fellows	Klein	Murphy C F	Smith M
Bates	Filley	Lanahan	Murphy F J	Spielberg
Baumes	Foley	Lansing	Murray	Sullivan
Bennett	Fowler	Lee	Neupert	Surpless
Bohan	Francis	Leffingwell	Nolan	Thompson
Boshart	Frisbie	Levy A J	Odell	Thorn
Brady	Garbe	Levy J	Oliver	Todd
Brown C F	Geoghegan	Lewis	O'Neil	Toombs
Brown G W	Gillen	Lowe	Parker F B	Travis
Burbyte	Glore	Lowman	Parker J S	Voss
Callan	Glück	Lupton	Partridge	Waddell
Caughlan	Goldberg	MacGregor	Perkins	Walters
Cheney	Graubard	Manley	Phillips C W	Waters
Clarke	Gray	Marks	Phillips J S	Weber
Colné	Green	Marlatt	Reed	Weimert
Conklin	Gunderman	Martin	Robinson	Wende
Cuvillier	Hackett	McCue	Rozan	White E H
De Groot	Hammond	McElligott	Sanner	Whitley
Donnelly	Hamn	McGrath	Sargent	Whitney
Draper	Hawley	McInerney	Schmidt	Williams
Duell	Hemenway	McLaughlin	Schutta	Wood
Eagleton	Hoey	Mead	Scott	Yale
Edwards	Howard	Merritt	Shea	Young E
Evans	Jackson	Millen	Smith A E	Young F L
Farrar	Jordan	Miller J L	Smith C	

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendments of the Senate thereto.

The Senate returned the Assembly bill (No. 1375, Senate reprint No. 1483, Int. No. 1187), entitled "An act making an appropriation for the expenses of delegates to the National Guard Convention at Los Angeles, California," with a message that they have concurred in the passage of the same, with the following amendments:

Page 1, line 1, strike out the word "six" and insert "five".

Page 1, line 1, change "\$6,000" to "\$5,000".

Page 1, line 7, strike out the words "in May," and insert "during the year".

Mr. Waddell moved to concur in the Senate amendments.

Mr. Speaker put the question whether the House would concur in said amendments, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 129

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Joseph	Miller W G	Smith F L
Barden	Fellows	Klein	Murphy C F	Smith M
Bates	Filley	Lanahan	Murphy F J	Spielberg
Baumes	Foley	Lansing	Murray	Sullivan
Bennett	Fowler	Lee	Neupert	Surpless
Bohan	Francis	Leffingwell	Nolan	Thompson
Boshart	Frisbie	Levy A J	Odell	Thorn
Brady	Garbe	Levy J	Oliver	Todd
Brown C F	Geoghegan	Lewis	O'Neil	Toombs
Brown G W	Gillen	Lowe	Parker F B	Travis
Burhyte	Glore	Lowman	Parker J S	Voss
Callan	Glück	Lupton	Partridge	Waddell
Caughlan	Goldberg	MacGregor	Perkins	Walters
Cheney	Graubard	Manley	Phillips C W	Waters
Clarke	Gray	Marks	Phillips J S	Weber
Colné	Green	Marlatt	Reed	Weimert
Conklin	Gunderman	Martin	Robinson	Wende
Cuvillier	Hackett	McCue	Rozan	White E H
De Groot	Hammond	McElligott	Sanner	Whitley
Donnelly	Hamn	McGrath	Sargent	Whitney
Draper	Hawley	McInerney	Schmidt	Williams
Duell	Hemenway	McLaughlin	Schutta	Wood
Eagleton	Hoey	Mead	Scott	Yale
Edwards	Howard	Merritt	Shea	Young E
Evans	Jackson	Millen	Smith A E	Young F L
Farrar	Jordan	Miller J L	Smith C	

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendments of the Senate thereto.

The Senate returned the Assembly bill (No. 945, Senate reprint No. 1458, Int. No. 846), entitled "An act to amend the Greater New York charter, relative to the powers of the commissioners of the sinking fund of the city of New York, in their discretion, to cancel and annul taxes, assessments, Croton water rents, et cetera, in certain cases," with a message that they have concurred in the passage of the same, with the following amendment:

Page 2, line 4, strike out the word "the" and insert "such exempt".

Mr. Feley moved to concur in the Senate amendment.

Mr. Speaker put the question whether the House would concur in said amendment, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 129

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Joseph	Miller W G	Smith F L
Barden	Fellows	Klein	Murphy C F	Smith M
Bates	Filey	Lanahan	Murphy F J	Spielberg
Baumes	Foley	Lansing	Murray	Sullivan
Bennett	Fowler	Lee	Neupert	Surpluss
Bohan	Francis	Leffingwell	Nolan	Thompson
Boshart	Frisbie	Levy A J	Odell	Thorn
Brady	Garbe	Levy J	Oliver	Todd
Brown C F	Geoghegan	Lewis	O'Neil	Toombs
Brown G W	Gillen	Lowe	Parker F B	Travis
Burhyte	Glore	Lowman	Parker J S	Voss
Callan	Glück	Lupton	Partridge	Waddell
Caughlan	Goldberg	MacGregor	Perkins	Walters
Cheney	Graubard	Manley	Phillips C W	Waters
Clarke	Gray	Marks	Phillips J S	Weber
Colné	Green	Marlatt	Reed	Weimert
Conklin	Gunderman	Martin	Robinson	Wende
Cuvillier	Hackett	McCue	Rozan	White E H
De Groot	Hammond	McElligott	Sanner	White L H
Donnelly	Hamn	McGrath	Sargent	Whitley
Draper	Hawley	McInerney	Schmidt	Whitney
Duell	Hemenway	McLaughlin	Schutta	Williams
Eagleton	Hoey	Mead	Scott	Wood
Edwards	Howard	Merritt	Shea	Yale
Evans	Jackson	Millen	Smith A E	Young E
Farrar	Jordan	Miller J L	Smith C	Young F L

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendment of the Senate thereto.

The Senate returned the Assembly bill (No. 2138, Senate reprint No. 1504, Int. No. 1612), entitled "An act to amend chapter one hundred and thirty-five of the Laws of eighteen hundred and eighty-four, entitled 'An act providing for the better collection of taxes in the county of Erie; for the sale by the treasurer thereof of lands in said county for unpaid taxes, and regulating the compensation of said treasurer,' generally," with a message that they



have concurred in the passage of the same, with the following amendments:

Page 2, line 19, strike out the first "the" and insert "a".

Page 8, line 11, strike out "for such collection".

Page 12, line 20, italicize the word "and".

Page 13, line 9, strike out "current", and after the word "year" insert "nineteen hundred and eight."

Page 13, line 16, before the word "in" strike out "[ ".

Page 13, line 18, after the word "language," strike out the "[ " and the balance of the line.

Page 13, line 19, strike out "the county".

Page 16, line 26, after "proceedings." strike out the period and insert ", provided, however, that nothing in this act contained shall be held to revive or validate any claim or demand, the enforcement of which otherwise is barred by lapse of time."

Page 19, line 4, strike out "the neces-".

Page 19, line 5, strike out "sary searches and".

Page 20, line 2, after "thereon," insert "if after the two years allowed in which to redeem,".

Page 20, line 7, after "afternoon" strike out "," and insert "."

Page 21, line 10, strike out "such" and insert "one".

Page 22, line 22, after "search," insert "if after the two years allowed in which to redeem,".

Page 24, line 13, after the word "Erie" strike out "," and insert ".", and before "excepting" insert "[ ".

Page 24, line 24, after "treasurer." insert "[ "].

Page 26, line 19, strike out "is" and insert "has".

Mr. MacGregor moved to concur in the Senate amendments.

Mr. Speaker put the question whether the House would concur in said amendments, said bill having been printed and upon the desks of the members in its final term at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 131

NOES 00

Those who voted in the affirmative were:

Allen	Fellows	Klein	Murphy C F	Smith M
Barden	Filley	Lanahan	Murphy F J	Spielberg
Bates	Foley	Lansing	Murray	Sullivan
Baumes	Fowler	Lee	Neupert	Surpluss

Bennett	Francis	Leffingwell	Nolan	Thompson
Bohan	Frisbie	Levy A J	Odell	Thorn
Boshart	Garbe	Levy J	Oliver	Todd
Brady	Geoghegan	Lewis	O'Neil	Toombs
Brown C F	Gillen	Lowe	Parker F B	Travis
Brown G W	Glore	Lowman	Parker J S	Voss
Burhyte	Glück	Lupton	Partridge	Waddell
Callan	Goldberg	MacGregor	Perkins	Walters
Caughlan	Graubard	Manley	Phillips C W	Ward
Cheney	Gray	Marks	Phillips J S	Waters
Clarke	Green	Marlatt	Reed	Weaver
Cohné	Gunderman	Martin	Robinson	Weber
Conklin	Hackett	McCue	Rozan	Weimert
Cuvillier	Hammond	McElligott	Sanner	Wende
De Groot	Hamm	McGrath	Sargent	White E H
Donnelly	Hawley	McInerney	Schmidt	Whitley
Draper	Hemenway	McLaughlin	Schutta	Whitney
Duell	Hoey	Mead	Scott	Williams
Eagleton	Howard	Merritt	Shea	Wood
Edwards	Jackson	Millen	Smith A E	Yale
Evans	Jordan	Miller J L	Smith C	Young E
Farrar	Joseph	Miller W G	Smith F L	Young F L
Fay				

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendments of the Senate thereto.

The Senate returned the Assembly bill (No. 2044, Senate re-print No. 1457, Int. No. 1566), entitled "An act to amend chapter four hundred and ninety-six of the Laws of nineteen hundred and eight, entitled 'An act creating the office of purchasing agent for the county of Herkimer, and prescribing his powers and duties, generally,'" with a message that they have concurred in the passage of the same, with the following amendments:

Page 4, line 5, after the word "delivered" strike out "[ ".

Page 4, line 6, after the word "agent" strike out "] ".

Mr. Fellows moved to concur in the Senate amendments.

Mr. Speaker put the question whether the House would concur in said amendments, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 130

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Joseph	Miller W G	Smith F L
Barden	Fellows	Klein	Murphy C F	Smith M
Bates	Filley	Lanahan	Murphy F J	Spielberg
Baumes	Foley	Lansing	Murray	Sullivan
Bennett	Fowler	Lee	Neupert	Surplless
Bohan	Francis	Leffingwell	Nolan	Thompson
Boshart	Frisbie	Levy A J	Odell	Thorn
Brady	Garbe	Levy J	Oliver	Todd
Brown C F	Geoghegan	Lewis	O'Neil	Toombs
Brown G W	Gillen	Lowe	Parker F B	Travis
Burhyte	Glore	Lowman	Parker J S	Voss
Callan	Glück	Lupton	Partridge	Waddell
Caughlan	Goldberg	MacGregor	Perkins	Walters
Cheney	Graubard	Manley	Phillips C W	Waters
Clarke	Gray	Marks	Phillips J S	Weaver
Colné	Green	Marlatt	Reed	Weber
Conklin	Gunderman	Martin	Robinson	Weimert
Cuvillier	Hackett	McCue	Rozan	Wende
De Groot	Hammond	McElligott	Sanner	White E H
Donnelly	Hamn	McGrath	Sargent	Whitley
Draper	Hawley	McInerney	Schmidt	Whitney
Duell	Hemenway	McLaughlin	Schutta	Williams
Eagleton	Hoev	Mead	Scott	Wood
Edwards	Howard	Merritt	Shea	Yale
Evans	Jackson	Millen	Smith A E	Young E
Farrar	Jordan	Miller J L	Smith C	Young F L

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendments of the Senate thereto.

The Senate returned the Assembly bill (No. 2034, Senate reprint No. 1545, Int. No. 1554), entitled "An act to make the office of the clerk of the county of Richmond a salaried office, and regulating the management of the said office," with a message that they have concurred in the passage of the same, with the following amendments:

Page 1, line 3, strike out "of seven thousand dollars a year,".

Page 1, line 4, before "which" insert "to be fixed by the board of estimate and apportionment of the city of New York".

Page 2, line 4, after "be" insert "fixed by the board of estimate and apportionment of the city of New York," and strike out the balance of line and all of lines 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14.

Mr. Lanahan moved to concur in the Senate amendments.

Mr. Speaker put the question whether the House would concur in said amendments, said bill having been printed and upon the



desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 131

NOES 00

Those who voted in the affirmative were:

Allen	Fellows	Klein	Miller W G	Smith F L
Barden	Filley	Lanahan	Murphy C F	Smith M
Bates	Foley	Lansing	Murphy F J	Spielberg
Baumes	Fowler	Lee	Murray	Sullivan
Bennett	Francis	Leffingwell	Neupert	Surpluss
Bohan	Frisbie	Levy A J	Nolan	Thompson
Boshart	Garbe	Levy J	Odell	Thorn
Brady	Geoghegan	Lewis	Oliver	Todd
Brown C F	Gillen	Lowe	O'Neil	Toombs
Brown G W	Glore	Luowman	Parker F B	Travis
Burhyte	Glück	Lupton	Parker J S	Voss
Callan	Goldberg	MacGregor	Partridge	Waddell
Caughlan	Graubard	Manley	Perkins	Walters
Cheney	Gray	Marks	Phillips C W	Waters
Clarke	Green	Marlatt	Phillips J S	Weaver
Colné	Gunderman	Martin	Reed	Weber
Conklin	Hackett	McCue	Robinson	Weimert
Cuvillier	Hammond	McElligott	Rozan	Wende
De Groot	Hamn	McGrath	Sanner	White E H
Donnelly	Hawley	McInerney	Sargent	Whitley
Draper	Hemenway	McKeon	Schmidt	Whitney
Duell	Hoey	McLaughlin	Schutta	Williams
Eagleton	Howard	Mead	Scott	Wood
Edwards	Jackson	Merritt	Shea	Yale
Evans	Jordan	Millen	Smith A E	Young E
Farrar	Joseph	Miller J L	Smith C	Young F L
Fay				

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendments of the Senate thereto.

The Senate returned the Assembly bill (No. 746, Senate reprint No. 1509, Int. No. 695), entitled "An act to amend the Tax Law, in relation to transfer tax clerk in Ulster county," with a message that they have concurred in the passage of the same, with the following amendments:

Page 1, strike out all of lines 2 and 3 and in place thereof insert "sixty-two of the Laws of nineteen hundred and nine, entitled 'An act in relation to taxation, constituting chapter sixty of the Consolidated Laws,' is hereby amended to read as follows:"

Page 2, line 18, strike out the words "one thousand" and insert "twelve hundred".

Mr. Fowler moved to concur in the Senate amendments.

Mr. Speaker put the question whether the House would concur in said amendments, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 131

NOES 00

Those who voted in the affirmative were:

Allen	Fellows	Klein	Miller W G	Smith F L
Barden	Filley	Lanahan	Murphy C F	Smith M
Bates	Foley	Lansing	Murphy F J	Spielberg
Baumes	Fowler	Lee	Murray	Sullivan
Bennett	Francis	Leffingwell	Neupert	Surpless
Bohan	Frisbie	Levy A J	Nolan	Thompson
Boshart	Garbe	Levy J	Odell	Thorn
Brady	Geoghegan	Lewis	Oliver	Todd
Brown C F	Gillen	Lowe	O'Neil	Toombs
Brown G W	Glore	Lowman	Parker F B	Travis
Burhyte	Glück	Lupton	Parker J S	Voss
Callan	Goldberg	MacGregor	Partridge	Waddell
Caughlan	Graubard	Manley	Perkins	Walters
Cheney	Gray	Marks	Phillips C W	Waters
Clarke	Green	Marlatt	Phillips J S	Weaver
Colné	Gunderman	Martin	Reed	Weber
Conklin	Hackett	McCue	Robinson	Weimert
Cuvillier	Hammond	McElligott	Rozan	Wende
De Groot	Hamn	McGrath	Sanner	White E H
Donnelly	Hawley	McInerney	Sargent	Whitley
Draper	Hemenway	McKeon	Schmidt	Whitney
Duell	Hoey	McLaughlin	Schutta	Williams
Eagleton	Howard	Mead	Scott	Wood
Edwards	Jackson	Merritt	Shea	Yale
Evans	Jordan	Millen	Smith A E	Young E
Farrar	Joseph	Miller J L	Smith C	Young F L
Fay				

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendments of the Senate thereto.

The Senate returned the Assembly bill (No. 2213, Senate reprint No. 1544, Int. No. 1596), entitled "An act to amend the Agricultural Law, in relation to oleomargarine and oleaginous substances not made from pure milk or cream from the same," with a message that they have concurred in the passage of the same, with the following amendments:

Page 2, line 13, after "up" insert "conspicuously".

Page 2, line 13, strike out the last "the" and insert "each".

Page 2, line 14, after "served" strike out "at least four".

Page 3, line 16, strike out last four words, "one pound or five".

Page 3, line 17, strike out first word, "pound", and before the "," after "packages" insert "containing not more than five pounds" and after the word "wrapped" insert "and sealed", and strike out balance of line.

Page 3, line 18, strike out "covered by tinfoil," and after "unbroken" insert "and upon which seal shall be plainly printed the name and address of the manufacturer of said oleomargarine".

Page 3, line 19, strike out "to" and insert "shall".

Page 3, line 20, strike out the "." after "oleomargarine" and insert "in Gothic or equally conspicuous letters at least three-eighths of an inch high".

Mr. Boshart moved to concur in the Senate amendments.

Mr. Speaker put the question whether the House would concur in said amendments, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 131

NOES 00

Those who voted in the affirmative were:

Allen	Fellows	Klein	Miller W G	Smith F L
Barden	Filley	Lanahan	Murphy C F	Smith M
Bates	Foley	Lansing	Murphy F J	Spielberg
Bau es	Fowler	Lee	Murray	Sullivan
Bennett	Francis	Leffingwell	Neupert	Surpless
Bohan	Frisbie	Levy A J	Nolan	Thompson
Boshart	Garbe	Levy J	Odell	Thorn
Brady	Geoghegan	Lewis	Oliver	Todd
Brown C F	Gillen	Lowe	O'Neil	Toombs
Brown G W	Glore	Lowman	Parker F B	Travis
Burhyte	Glück	Lupton	Parker J S	Voss
Callan	Goldberg	MacGregor	Partridge	Waddell
Caughlan	Graubard	Manley	Perkins	Walters
Cheney	Gray	Marks	Phillips C W	Waters
Clarke	Green	Marlatt	Phillips J S	Weaver
Colné	Gunderman	Martin	Reed	Weber
Conklin	Hackett	McCue	Robinson	Weimert
Cuvillier	Hammond	McElligott	Rozan	Wende
De Groot	Hamn	McGrath	Sanner	White E H
Donnelly	Hawley	McInerney	Sargent	Whitley
Draper	Hemenway	McKeon	Schmidt	Whitney
Duell	Hoey	McLaughlin	Schutta	Williams



Eagleton	Howard	Mead	Scott	Wood
Edwards	Jackson	Merritt	Shea	Yale
Evans	Jordan	Millen	Smith A E	Young E
Farrar	Joseph	Miller J L	Smith C	Young F L
Fay				

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendments of the Senate thereto.

The Senate returned the Assembly bill (No. 2216, Senate reprint No. 1543, Int. No. 1617), entitled "An act to amend the Agricultural Law, in relation to tuberculin, issuing certificates relative to tuberculin tested cattle and the branding of tuberculous cattle," with a message that they have concurred in the passage of the same, with the following amendments:

Page 2, line 17, after "then" insert "the report shall be accompanied by", and strike out "shall" at the end of line.

Page 2, line 18, change "set" to "setting", and after "and" insert "the said statement".

Page 3, line 5, strike out "of title sixteen" and change "code" to "law" and insert "; however, any animal which has reacted to the tuberculin test and appears physically sound may be retained for breeding or dairy purposes without such branding, provided a full description of such animal, sufficient for its identification and satisfactory to the Commissioner of Agriculture, is furnished to the Commissioner of Agriculture and a permit from said Commissioner is issued for keeping such animal in such manner. Such permit shall not be issued except upon the condition that the animal will thereafter be kept in a proper manner with regard to the protection of the public health and the health of other animals, and no such animal shall be sold or removed from the premises without written permission from the Commissioner of Agriculture, and all such animals shall be accounted for by the owner or custodian whenever called upon by the Commissioner of Agriculture to do so."

Mr. Boshart moved to concur in the Senate amendments.

Mr. Speaker put the question whether the House would concur in said amendments, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 131

NOES 00

Those who voted in the affirmative were:

Allen	Fellows	Klein	Miller W G	Smith F L
Barden	Filley	Lanahan	Murphy C F	Smith M
Bates	Foley	Lansing	Murphy F J	Spielberg
Baumes	Fowler	Lee	Murray	Sullivan
Bennett	Francis	Leffingwell	Neupert	Surpless
Bohan	Frisbie	Levy A J	Nolan	Thompson
Boshart	Garbe	Levy J	Odell	Thorn
Brady	Geoghegan	Lewis	Oliver	Todd
Brown C E	Gillen	Lowe	O'Neil	Toombs
Brown G W	Glore	Lowman	Parker F B	Travis
Burhyte	Glück	Lupton	Parker J S	Voss
Callan	Goldberg	MacGregor	Partridge	Waddell
Caughlan	Graubard	Manley	Perkins	Walters
Cheney	Gray	Marks	Phillips C W	Waters
Clarke	Green	Marlatt	Phillips J S	Weaver
Colné	Gunderman	Martin	Reed	Weber
Conklin	Hackett	McCue	Robinson	Weimert
Cuvillier	Hammond	McElligott	Rozan	Wende
De Groot	Hamn	McGrath	Sanner	White E H
Donnelly	Hawley	McInerney	Sargent	Whitley
Draper	Hemenway	McKeon	Schmidt	Whitney
Duell	Hoey	McLaughlin	Schutta	Williams
Eagleton	Howard	Mead	Scott	Wood
Edwards	Jackson	Merritt	Shea	Yale
Evans	Jordan	Millen	Smith A E	Young E
Farrar	Joseph	Miller J L	Smith C	Young F L
Fay				

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendments of the Senate thereto.

The Senate returned the Assembly bill (No. 2129, Senate re-print No. 1513, Int. No. 1387), entitled "An act to amend the Penal Law, relative to children charged with offenses," with a message that they have concurred in the passage of the same, with the following amendments:

Page 2, strike out all the italicized matter in lines 7 to 11 inclusive and insert in place thereof "A child of more than seven and less than sixteen years of age, who shall commit any act or omission which, if committed by an adult, would be a crime not punishable by death or life imprisonment, shall not be deemed guilty of any crime, but of juvenile delinquency only."

Page 2, strike out all the italicized matter in lines 16 to 20 inclusive and insert in place thereof "Any child charged with any act or omission which may render him guilty of juvenile delinquency shall be dealt with in the same manner as now is or may hereafter be provided in the case of adults charged with the

same act or omission except as specially provided heretofore in the case of children under the age of sixteen years."

Mr. C. F. Murphy moved to concur in the Senate amendments.

Mr. Speaker put the question whether the House would concur in said amendments, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 132

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Klein	Miller W G	Smith F L
Barden	Fellows	Lanahan	Murphy C F	Smith M
Bates	Filley	Lansing	Murphy F J	Spielberg
Baumes	Foley	Lee	Murray	Sullivan
Bennett	Fowler	Leffingwell	Neupert	Surpless
Bohan	Francis	Levy A J	Nolan	Thompson
Boshart	Frisbie	Levy J	Odell	Thorn
Brady	Garbe	Lewis	Oliver	Todd
Brown C F	Geoghegan	Lowe	O'Neil	Toombs
Brown G W	Gillen	Lowman	Parker F B	Travis
Burhyte	Glore	Lupton	Parker J S	Voss
Callan	Glück	Mac Gregor	Partridge	Waddell
Caughlan	Goldberg	Manley	Perkins	Walters
Cheney	Graubard	Marks	Phillips C W	Waters
Clarke	Gray	Marlatt	Phillips J S	Weaver
Colné	Green	Martin	Reed	Weber
Conklin	Gunderman	McCue	Robinson	Weimert
Costello	Hackett	McElligott	Rozan	Wende
Cuvillier	Hammond	McGrath	Sanner	White E H
De Groot	Hamm	McInerney	Sargent	Whitley
Donnelly	Hawley	McKeon	Schmidt	Whitney
Draper	Hemenway	McLaughlin	Schutta	Williams
Duell	Hoey	Mead	Scott	Wood
Eagleton	Howard	Merritt	Shea	Yale
Edwards	Jackson	Millen	Smith A E	Young E
Evans	Jordan	Miller J L	Smith C	Young F L
Farrar	Joseph			

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendments of the Senate thereto.

The Senate returned the Assembly bill (No. 1617, Senate reprint No. 1546, Int. No. 637), entitled "Concurrent resolution of the Senate and Assembly proposing an amendment to section seven of article seven of the Constitution, in relation to timber and trees on lands constituting the forest preserve," with a message that they



have concurred in the passage of the same, with the following amendments:

Page 2, line 1, strike out “, and the”.

Page 2, line 2, strike out “cutting and sale of matured trees.”.

Mr. Wood moved to concur in the Senate amendments.

Mr. Speaker put the question whether the House would concur in said amendments, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 131

NOES 00

Those who voted in the affirmative were:

Allen	Fellows	Klein	Miller W G	Smith F L
Barden	Filley	Lanahan	Murphy C F	Smith M
Bates	Foley	Lansing	Murphy F J	Spielberg
Baumes	Fowler	Lee	Murray	Sullivan
Bennett	Francis	Leffingwell	Neupert	Surpless
Bohan	Frisbie	Levy A J	Nolan	Thompson
Boshart	Garbe	Levy J	Odell	Thorn
Brady	Geoghegan	Lewis	Oliver	Todd
Brown C F	Gillen	Lowe	O'Neil	Toombs
Brown G W	Glore	Lowman	Parker F B	Travis
Burhyte	Glück	Lupton	Parker J S	Voss
Callan	Goldberg	MacGregor	Partridge	Waddell
Caughlan	Graubard	Manley	Perkins	Walters
Cheney	Gray	Marks	Phillips C W	Waters
Clarke	Green	Marlatt	Phillips J S	Weaver
Colné	Gunderman	Martin	Reed	Weber
Conklin	Hackett	McCue	Robinson	Weimert
Cuvillier	Hammond	McElligott	Rozan	Wende
De Groot	Hamm	McGrath	Sanner	White E H
Donnelly	Hawley	McInerney	Sargent	Whitley
Draper	Hemenway	McKeon	Schmidt	Whitney
Duell	Hoey	McLaughlin	Schutta	Williams
Eagleton	Howard	Mead	Scott	Wood
Edwards	Jackson	Merritt	Shea	Yale
Evans	Jordan	Millen	Smith A E	Young E
Farrar	Joseph	Miller J L	Smith C	Young F L
Fay				

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendments of the Senate thereto.

The Senate returned the Assembly bill (No. 1986, Senate reprint No. 1482, Int. No. 1184), entitled “An act to amend the Agricultural Law, in relation to appraisal of diseased animals and

compensation to owners of animals destroyed," with a message that they have concurred in the passage of the same, with the following amendments:

Page 3, line 26, before and after the word "six" strike out the brackets.

Page 3, line 26, after the word "six" insert "months if suffering from tuberculosis or".

Page 3, line 26, after the word "months" insert "if suffering from glanders".

Page 4, line 1, after the word "slaughtered" insert "bovine".

Page 4, line 24, strike out the word "immediately" and insert in place thereof "October first".

Mr. Boshart moved to concur in the Senate amendments.

Mr. Speaker put the question whether the House would concur in said amendments, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 132

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Klein	Miller W G	Smith F L
Barden	Fellows	Lanahan	Murphy C F	Smith M
Bates	Filley	Lansing	Murphy F J	Spielberg
Baumes	Foley	Lee	Murray	Sullivan
Bennett	Fowler	Leffingwell	Neupert	Surpless
Bohan	Francis	Levy A J	Nolan	Thompson
Boshart	Frisbie	Levy J	Odell	Thorn
Brady	Garbe	Lewis	Oliver	Todd
Brown C F	Geoghegan	Lowe	O'Neil	Toombs
Brown G W	Gillen	Lowman	Parker F B	Travis
Burhyte	Glore	Lupton	Parker J S	Voss
Callan	Glück	Mac Gregor	Partridge	Waddell
Caughlan	Goldberg	Manley	Perkins	Walters
Cheney	Graubard	Marks	Phillips C W	Waters
Clarke	Gray	Marlatt	Phillips J S	Weaver
Colné	Green	Martin	Reed	Weber
Conklin	Gunderman	McCue	Robinson	Weimert
Costello	Hackett	McElligott	Rozan	Wende
Cuvillier	Hammond	McGrath	Sanner	White E H
De Groot	Hamm	McInerney	Sargent	Whitley
Donnelly	Hawley	McKeon	Schmidt	Whitney
Draper	Hemenway	McLaughlin	Schutta	Williams
Duell	Hoey	Mead	Scott	Wood
Eagleton	Howard	Merritt	Shea	Yale
Edwards	Jackson	Millen	Smith A E	Young E
Evans	Jordan	Miller J L	Smith C	Young F L
Farrar	Joseph			

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendments of the Senate thereto.

The Senate returned the Assembly bill (No. 1995, Senate re-print No. 1551, Int. No. 657), entitled "An act to provide for the enlargement and improvement of the hospital at the New York Soldiers' and Sailors' Home at Bath, and providing for the segregation and care of tuberculosis patients therein, and making any appropriation therefor," with a message that they have concurred in the passage of the same, with the following amendments:

Page 2, line 4, strike out "thirty" and insert "fifteen".

Page 2, line 4, strike out "(\$30,000)" and insert "(\$15,000)".

(By Senate bill No. 1478.)

Page 1, line 8, after "with" insert "the provisions of section forty-nine of chapter fifty-seven of the Laws of nineteen hundred and nine, entitled 'An act relating to State charities,' constituting chapter fifty-five of the Consolidated Laws."

Page 2, strike out all of lines 1 and 2.

(By Senate bill No. 1551.)

Page 2, line 8, after "act" strike out "," and insert ".", and before "to" insert "[ ".

Page 2, line 10, after "home." insert " ] ".

Mr. J. L. Miller moved to concur in the Senate amendments.

Mr. Speaker put the question whether the House would concur in said amendments, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 131

NOES 00

Those who voted in the affirmative were:

Allen	Fellows	Klein	Miller W G	Smith F L
Barden	Filley	Lanahan	Murphy C F	Smith M
Bates	Foley	Lansing	Murphy F J	Spielberg
Baumes	Fowler	Lee	Murray	Sullivan
Bennett	Francis	Leffingwell	Neupert	Surpluss
Bohan	Frisbie	Levy A J	Nolan	Thompson
Boshart	Garbe	Levy J	Odell	Thorn
Brady	Geoghegan	Lewis	Oliver	Todd
Brown C F	Gillen	Lowe	O'Neil	Toombs



Brown G W	Glore	Lowman	Parker F B	Travis
Burhyte	Glück	Lupton	Parker J S	Voss
Callan	Goldberg	MacGregor	Partridge	Waddell
Caughlan	Graubard	Manley	Perkins	Walters
Cheney	Gray	Marks	Phillips C W	Waters
Clarke	Green	Marlatt	Phillips J S	Weaver
Colné	Gunderman	Martin	Reed	Weber
Conklin	Hackett	McCue	Robinson	Weimert
Cuvillier	Hammond	McElligott	Rozan	Wende
De Groot	Hamn	McGrath	Sanner	White E H
Donnelly	Hawley	McInerney	Sargent	Whitley
Draper	Hemenway	McKeon	Schmidt	Whitney
Duell	Hoey	McLaughlin	Schutta	Williams
Eagleton	Howard	Mead	Scott	Wood
Edwards	Jackson	Merritt	Shea	Yale
Evans	Jordan	Millen	Smith A E	Young E
Farrar	Joseph	Miller J L	Smith C	Young F L
Fay				

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendments of the Senate thereto.

The Senate returned the Assembly bill (No. 1927, Senate reprint No. 1486, Int. No. 1503), entitled "An act to amend the Greater New York charter, relative to the classification of criminals and misdemeanants, and to cover the New York City Reformatory for Misdemeanants," with a message that the have concurred in the passage of the same, with the following amendments:

Page 3, line 12, after the word "act" strike out the "," and insert " ;".

Page 3, line 23, after the word "appointed" strike out the word "and" and insert in place thereof the word "or".

Mr. C. F. Murphy moved to concur in the Senate amendments.

Mr. Speaker put the question whether the House would concur in said amendments, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 130

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Joseph	Miller W G	Smith F L
Barden	Fellows	Klein	Murphy C F	Smith M
Bates	Filley	Lanahan	Murphy F J	Spielberg
Baumes	Foley	Lansing	Murray	Sullivan
Bennett	Fowler	Lee	Neupert	Surpass

Bohan	Francis	Leffingwell	Nolan	Thompson
Boshart	Frisbie	Levy A J	Odell	Thorn
Brady	Garbe	Levy J	Oliver	Todd
Brown C E	Geoghegan	Lewis	O'Neil	Toombs
Brown G W	Gillen	Lowe	Parker F B	Travis
Burhyte	Glore	Lowman	Parker J S	Voss
Callan	Glück	Lupton	Partridge	Waddell
Caughlan	Goldberg	MacGregor	Perkins	Walters
Cheney	Graubard	Manley	Phillips C W	Waters
Clarke	Gray	Marks	Phillips J S	Weaver
Colné	Green	Marlatt	Reed	Weber
Conklin	Gunderman	Martin	Robinson	Weimert
Cuvillier	Hackett	McCue	Rozan	Wende
De Groot	Hammond	McElligott	Sanner	White E H
Donnelly	Hamn	McGrath	Sargent	Whitley
Draper	Hawley	McInerney	Schmidt	Whitney
Duell	Hemenway	McLaughlin	Schutta	Williams
Eagleton	Hoey	Mead	Scott	Wood
Edwards	Howard	Merritt	Shea	Yale
Evans	Jackson	Millen	Smith A E	Young E
Farrar	Jordan	Miller J L	Smith C	Young F L

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendments of the Senate thereto.

The Senate returned the Assembly bill (No. 2285, Senate re-print No. 1515, Int. No. 1559), entitled "An act to amend the Public Health Law, relative to the practice of pharmacy," with a message that they have concurred in the passage of the same, with the following amendments:

Page 24, line 21, strike out the words "if the" and all of lines 22, 23, 24, 25 and 26.

Page 25, strike out all of lines 1, 2, 3, 4, 5, 6, 7, 8 and 9.

Objection being made to the immediate consideration of said message,

Ordered, That said bill together with said message be referred to the committee on rules.

The Senate returned the Assembly bill (No. 2057, Senate re-print No. 1481, Int. No. 252), entitled "An act to amend the Education Law, relating to the office of State Historian, and transferring such office to the education department," with a message that they have concurred in the passage of the same, with the following amendments:

Strike out entire bill and substitute therefor Senate bill printed No. 1481 together with the enacting clause.

Objection being made to the immediate consideration of said message,

Ordered, That said bill together with said message be referred to the committee on rules.

The Senate returned the Assembly bill (No. 46, Senate re-print No. 1538, Int. No. 46), entitled 'An act in relation to railroads, constituting chapter forty-nine of the Consolidated Laws,' with a message that they have concurred in the passage of the same, with the following amendments:

Page 2, strike out all of line 2.

Page 211, beginning at line 12, strike out balance of page and all of pages 212 down to and including line 3, page 242.

Page 349, strike out all of lines 10, 16 and 21.

Page 350, strike out all of lines 12, 16 and 19.

Page 351, strike out all of line 7.

Page 352, strike out all of line 22.

Page 353, strike out all of lines 7, 21, 22, 23 and 24.

Page 354, strike out all of lines 11, 12, 15, 17, 22, 24, 25 and 26.

Page 355, strike out all of lines 7 and 10.

Objection being made to the immediate consideration of said message,

Ordered, That said bill together with said message be referred to the committee on rules.

The Senate returned the Assembly bill (No. 2354, Senate re-print No. 1563, Int. No. 1568), entitled "An act to grant to the city of New York certain lands under water in Jamaica bay and vicinity," with a message that they have concurred in the passage of the same, with the following amendment:

Page 2, line 16, strike out the words "April twenty-first" and insert in place thereof the words "May twenty-ninth".

Mr. Sargent moved to concur in the Senate amendment.

A message from the Governor was received and read, in words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER.

*To the Legislature:*

It appearing to my satisfaction that the public interest requires it;



Therefore, in accordance with the provisions of section 15 of article 3 of the Constitution and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Senate bill (No. 1563), entitled "An act to grant to the city of New York certain lands under water in Jamaica bay and vicinity."

Given under my hand and the privy seal of the State at the Capitol, in the city of Albany, this twenty-eighth day of April, in the year of our Lord one thousand nine hundred and nine.

(Signed.) CHARLES E. HUGHES.

By the Governor:

ROBERT H. FULLER,  
*Secretary to the Governor.*

Said bill was then read the third time.

Mr. Speaker put the question whether the House would concur in the Senate amendment, the necessity for the immediate passage of the same having been certified by the Governor, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 131

NOES 00

Those who voted in the affirmative were:

Allen	Fellows	Klein	Miller W G	Smith F L
Barden	Filley	Lanahan	Murphy C F	Smith M
Bates	Foley	Lansing	Murphy F J	Spielberg
Baumes	Fowler	Lee	Murray	Sullivan
Bennett	Francis	Leffingwell	Neupert	Surpless
Bohan	Frisbie	Levy A J	Nolan	Thompson
Boshart	Garbe	Levy J	Odell	Thorn
Brady	Geoghegan	Lewis	Oliver	Todd
Brown C F	Gillen	Lowe	O'Neil	Toombs
Brown G W	Glore	Lowman	Parker F B	Travis
Burhyte	Glück	Lupton	Parker J S	Voss
Callan	Goldberg	MacGregor	Partridge	Waddell
Caughlan	Graubard	Manley	Perkins	Walters
Cheney	Gray	Marks	Phillips C W	Waters
Clarke	Green	Marlatt	Phillips J S	Weaver
Colné	Gunderman	Martin	Reed	Weber
Conklin	Hackett	McCue	Robinson	Weimert
Cuvillier	Hammond	McElligott	Rozan	Wende
De Groot	Hamm	McGrath	Sanner	White E H
Donnelly	Hawley	McInerney	Sargent	Whitley
Draper	Hemenway	McKeon	Schmidt	Whitney
Duell	Hoey	McLaughlin	Schutta	Williams
Eagleton	Howard	Mead	Scott	Wood
Edwards	Jackson	Merritt	Shea	Yale
Evans	Jordan	Millen	Smith A E	Young E
Farrar	Joseph	Miller J L	Smith C	Young F L
Fay				

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendment of the Senate thereto.

A message was received from the Senate, in words following:

IN SENATE, *April 28, 1909.*

Pursuant to concurrent resolution of the Senate and Assembly, the mayor of the city of Cohoes returned the Senate bill (No. 868, reprint No. 1512, Rec. No. 145), entitled "An act to amend section four of title five of chapter six hundred and seventy-one of the Laws of eighteen hundred and ninety-two, entitled 'An act to revise, consolidate and amend the several acts relating to the government of the city of Cohoes,' in relation to compensation of mayor."

The vote upon the final passage of the said bill having been reconsidered, on motion of Mr. Grattan, and by unanimous consent, the same was amended as follows:

Page 2, line 3, strike out the word "fifteen" and insert the word "twelve".

Page 2, line 6, strike out the word "two" and insert the word "five".

Said bill, as amended, was reprinted, re-engrossed, and, having been on the desks of the members three legislative days, was passed and ordered sent to the Assembly for concurrence.

By order of the Senate,

LAFAYETTE B. GLEASON,

*Clerk.*

Said bill having been announced, Mr. Waters moved to reconsider the vote by which said bill was passed.

Mr. Speaker put the question whether the House would agree to the reconsideration of the vote on the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 130

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Joseph	Miller W G	Smith F L
Barden	Fellows	Klein	Murphy C F	Smith M
Bates	Filley	Lanahan	Murphy F J	Spielberg
Baumes	Foley	Lansing	Murray	Sullivan
Bennett	Fowler	Lee	Neupert	Surplless

Bohan	Francis	Leffingwell	Nolan	Thompson
Boshart	Frisbie	Levy A J	Odell	Thorn
Brady	Garbe	Levy J	Oliver	Todd
Brown C F	Geoghegan	Lewis	O'Neil	Toombs
Brown G W	Gillen	Lowe	Parker F B	Travis
Burhyte	Glore	Lowman	Parker J S	Voss
Callan	Glück	Lupton	Partridge	Waddell
Caughlan	Goldberg	MacGregor	Perkins	Walters
Cheney	Graubard	Manley	Phillips C W	Waters
Clarke	Gray	Marks	Phillips J S	Weaver
Colné	Green	Marlatt	Reed	Weber
Conklin	Gunderman	Martin	Robinson	Weimert
Cuvillier	Hackett	McCue	Rozan	Wende
De Groot	Hammond	McElligott	Sanner	White E H
Donnelly	Hamn	McGrath	Sargent	Whitley
Draper	Hawley	McInerney	Schmidt	Whitney
Duell	Hemenway	McLaughlin	Schutta	Williams
Eagleton	Hoey	Mead	Scott	Wood
Edwards	Howard	Merritt	Shea	Yale
Evans	Jackson	Millen	Smith A E	Young E
Farrar	Jordan	Miller J L	Smith C	Young F L

Said bill, as amended, was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 130

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Joseph	Miller W G	Smith F L
Barden	Fellows	Klein	Murphy C F	Smith M
Bates	Filley	Lanahan	Murphy F J	Spielberg
Baumes	Foley	Lansing	Murray	Sullivan
Bennett	Fowler	Lee	Neupert	Surpluss
Bohan	Francis	Leffingwell	Nolan	Thompson
Boshart	Frisbie	Levy A J	Odell	Thorn
Brady	Garbe	Levy J	Oliver	Todd
Brown C F	Geoghegan	Lewis	O'Neil	Toombs
Brown G W	Gillen	Lowe	Parker F B	Travis
Burhyte	Glore	Lowman	Parker J S	Voss
Callan	Glück	Lupton	Partridge	Waddell
Caughlan	Goldberg	MacGregor	Perkins	Walters
Cheney	Graubard	Manley	Phillips C W	Waters
Clarke	Gray	Marks	Phillips J S	Weaver
Colné	Green	Marlatt	Reed	Weber
Conklin	Gunderman	Martin	Robinson	Weimert
Cuvillier	Hackett	McCue	Rozan	Wende
De Groot	Hammond	McElligott	Sanner	White E H
Donnelly	Hamn	McGrath	Sargent	Whitley
Draper	Hawley	McInerney	Schmidt	Whitney
Duell	Hemenway	McLaughlin	Schutta	Williams



Eagleton	Hoey	Mead	Scott	Wood
Edwards	Howard	Merritt	Shea	Yale
Evans	Jackson	Millen	Smith A E	Young E
Farrar	Jordan	Miller J L	Smith C	Young F L

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have reconsidered their vote on the final passage of said bill, and, as amended, have again passed the same.

Mr. F. B. Parker offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That a respectful message be sent to the Governor, requesting the return to the Assembly of Assembly bill (No. 1239, Int. No. 1085), entitled "An act to amend the Town Law, in relation to town charges in the county of Genesee," for the purposes of amendment.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. F. B. Parker offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That a respectful message be sent to the Governor, requesting the return to the Assembly of Assembly bill (No. 1240, Int. No. 1086), entitled "An act to amend the County Law, in relation to the bond of the treasurer of Genesee county," for the purposes of amendment.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. F. B. Parker offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That a respectful message be sent to the Governor, requesting the return to the Assembly of Assembly bill (No. 2010, Int. No. 1082), entitled "An act to make the office of supervisor in the county of Livingston a salaried office, to provide for the manner of auditing and paying accounts against the county, and to regulate generally the finances thereof," for the purposes of amendment.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. Walters offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That a respectful message be sent to the Governor, requesting the return to the Assembly of Assembly bill (No. 1008, Int. No. 895), entitled "An act to amend the Election Law, relative to election officers," for the purposes of amendment.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. Evans offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That a respectful message be sent to the Governor, requesting the return to the Assembly of Assembly bill (No. 717, Int. No. 672), entitled "An act to release certain State lands to the city of Middletown and town of Wallkill, respectively, in the county of Orange, upon certain conditions," for the purposes of amendment.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. Brady offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That a respectful message be sent to the Governor, requesting the return to the Assembly of Assembly bill (No. 107, Int. No. 107), entitled "An act to amend the Forest, Fish and Game Law, in relation to the use of tip-ups in the waters of Greene county," for the purposes of amendment.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

The Senate sent for concurrence a resolution, in the words following:

IN SENATE, ALBANY, *April 28, 1909.*

Resolved (if the Assembly concur), That a respectful message be sent to the Governor, requesting the return of Senate bill (No. 830, Rec. No. 189), entitled "An act to provide for the election of a police justice in certain of the towns of this State," for the purpose of amendment.

By order of the Senate,

LAFAYETTE B. GLEASON,  
*Clerk.*

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk return said resolution to the Senate, with a message that the Assembly have concurred in the passage of the same.

The Senate sent for concurrence a resolution, in the words following:

IN SENATE, ALBANY, *April 28, 1909.*

Resolved (if the Assembly concur), That Senate bill (No. 884, Rec. No. 130), entitled "An act to amend the Village Law, generally," be returned to the Governor.

By order of the Senate,

LAFAYETTE B. GLEASON,  
*Clerk.*

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk return said resolution to the Senate, with a message that the Assembly have concurred in the passage of the same.

The Senate sent for concurrence a resolution, in the words following:

IN SENATE, ALBANY, *April 28, 1909.*

Resolved (if the Assembly concur), That Senate bill (No. 721, Rec. No. 164), entitled "An act to amend the Village Law, relative to the form of the village assessment-roll," be returned to the Governor.

By order of the Senate,

LAFAYETTE B. GLEASON,  
*Clerk.*



Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk return said resolution to the Senate, with a message that the Assembly have concurred in the passage of the same.

The Senate returned the Senate bill (No. 145, Assembly reprint No. 2326, Rec. No. 86), entitled "An act to amend section eight hundred and twelve of the Code of Civil Procedure, in relation to general regulations respecting bonds and undertakings," with a message that they have nonconcurred in the amendments of the Assembly thereto, and request the appointment of a committee of conference thereon.

On motion of Mr. C. F. Murphy, the request for a committee of conference was agreed to, and Mr. Speaker appointed Messrs. C. F. Murphy, Hammond, Surpless, Glore and A. J. Levy as such committee on the part of the Assembly.

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly has agreed to the request for a committee of conference, and that Mr. Speaker has appointed Messrs. C. F. Murphy, Hammond, Surpless, Glore and A. J. Levy as such committee on the part of the Assembly.

The Senate returned Assembly bill (No. 905, Senate reprint No. 1175, Int. No. 668), entitled "An act to amend the Village Law, in relation to incorporation of villages," with a message that they have agreed to the request for the appointment of a committee of conference thereon, and that the President has appointed Messrs. Hewitt, Conger and Ramsperger as such committee on behalf of the Senate.

Mr. Speaker appointed Messrs. Brady, J. S. Phillips, Waters, Lowe and Evans as such committee on the part of the Assembly.

Ordered, That the Clerk return said bill to the Senate, with a message that Mr. Speaker has appointed Messrs. Brady, J. S. Phillips, Waters, Lowe and Evans as such committee on the part of the Assembly.

The Senate returned the bill (No. 2390, reprint No. 2415, Int. No. 433), entitled "An act making appropriations for the support of government," with a message that they have agreed to the

report of the committee of conference thereon, and, as amended, have again passed the same.

Ordered, That the Clerk deliver said bill to the Governor.

The Senate returned the bill (No. 2152, Int. No. 1627), entitled "An act to amend the Code of Civil procedure, in relation to official interpreters in the City Court of the city of New York," with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of New York.

Also, the bill (No. 2146, Int. No. 1621), entitled "An act to amend chapter three hundred and sixty of the Laws of eighteen hundred and ninety-seven, entitled 'An act to incorporate the city of Geneva,' in relation to establishing a finance commission," with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of Geneva.

Also, the bill (No. 1945, Int. No. 1534), entitled "An act to amend chapter six hundred and seventy of the Laws of nineteen hundred and seven, entitled 'An act to authorize the erection, furnishing and equipment of a municipal building at the Manhattan terminal of the New York and Brooklyn bridge in the city of New York,' in relation to construction of the same and accommodation of city departments therein," with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of New York.

Also, the bill (No. 2086, Int. No. 1588), entitled "An act authorizing the board of aldermen of the city of Oneonta to appropriate certain moneys to the Aurelia Osborn Fox Memorial Hospital Society of Oneonta, and repealing chapter one hundred and three of the Laws of nineteen hundred and five," with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of Oneonta.

Also, the bill (No. 1945, Int. No. 1534), entitled "An act to safeguard the records in the office of the clerk of the county of New York in the county courthouse in said county," with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of New York.

Also, the bill (No. 1335, Int. No. 1161), entitled "An act to amend chapter four hundred and ten of the Laws of eighteen hundred and eighty-two, entitled 'An act to consolidate into one act and to declare the special and local laws affecting public interests in the city of New York,' in relation to calendars in the Court of General Sessions in the city of New York," with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of New York.

The Senate returned the Senate bill (No. 806, Assembly reprint No. 2357, Rec. No. 170), entitled "An act to permit life insurance companies to issue policies of insurance and annuities with special rates of premiums to labor unions and other organizations," with a message that they have concurred in the amendments of the Assembly made thereto.

Ordered, That the Clerk return said bill to the Senate.

The Senate returned the bill (No. 992, Senate reprint No. 1085, reprint No. 2353, Int. No. 894), entitled "An act to amend the Judiciary Law, in relation to the appointment of a typewriter operator by the justices of the Supreme Court in the second judicial department," with a message that they have reconsidered their vote by which said bill passed, and, as amended, have again passed the same.

Ordered, That the Clerk deliver said bill to the Governor.

Also, the bill (No. 2358, Int. No. 1699), entitled "An act to amend the County Law, in relation to the office of county comptroller."

Also, the bill (No. 2185, Int. No. 1648), entitled "An act to amend the Agricultural Law in relation to condensed milk and evaporated milk and the branding of cheese and butter."



Also, the bill (No. 1931, Int. No. 1507), entitled "An act to amend the Town Law, in relation to the care of cemeteries."

Also, the bill (No. 2275, Int. No. 1703), entitled "An act in relation to tax sales heretofore made by the treasurer of the county of Ontario."

Also, the bill (No. 2307, Int. No. 1724), entitled "An act to amend the County Law, in relation to the publication of Session Laws and Concurrent Resolutions."

Also, the bill (No. 1710, Int. No. 1394), entitled "An act to establish the office of receiver of taxes of the town of Oyster Bay in the county of Nassau, defining the powers and duties of the receiver and fixing his compensation."

Also, the bill (No. 2295, Int. No. 1720), entitled "An act to legalize and validate all proceedings heretofore had for the issuance and sale of fifteen thousand dollars bonds of the village of Wellsville, New York; to authorize the execution and delivery of said bonds and the raising of taxes to pay the principal and interest thereon, and to authorize a resale of said bonds under certain conditions."

Also, the bill (No. 2047, Int. No. 1570), entitled "An act to amend the Executive Law, in relation to duties of Deputy State treasurer."

Also, the bill (No. 1577, Int. No. 680), entitled "An act to amend the Business Corporations Law, in relation to corporations having shares of capital stock without nominal or par value."

Also, the bill (No. 1671, Int. No. 1237), entitled "An act appointing certain persons trustees of The Diocese of Rochester and fixing their term of office and providing for the election of their successors, and legalizing the acts of the trustees thereof."

Also, the bill (No. 1851, Int. No. 1466), entitled "An act making an appropriation for continuing the construction of the new State Education Building."

Also, the bill (No. 1686, Int. No. 1375), entitled "An act to amend the Military Law in relation to the National Guard of the State."

Also, the bill (No. 1780, Int. No. 1431), entitled "An act to amend the Military Law, in relation to enlisted men of the National Guard and Naval Militia."

Also, the bill (No. 711, Int. No. 666), entitled "An act to amend the Village Law, in relation to extending lighting system beyond village limits."

Also, the bill (No. 1860, Int. No. 1465), entitled "An act to amend, revise and consolidate the laws relating to Union Free School District Number One, town of Ossining."

Also, the bill (No. 1622, Int. No. 1296), entitled "An act to amend the Election Law, generally."

Also, the bill (No. 2024, Int. No. 535), entitled "An act authorizing the village of Scotia, in the county of Schenectady, to borrow money for the payment of indebtedness incurred prior thereto."

Also, the bill (No. 1884, Int. No. 1077), entitled "An act to amend the Election Law, in relation to the delivery of enrollment blanks to voters."

Also, the bill (No. 1473, Int. No. 1273), entitled "An act to amend the Education Law, in relation to the assessment of real estate for school district taxes."

Also, the bill (No. 1268, Int. No. 123), entitled "An act to amend the Penal Law, in relation to intrusion into any place of meeting of a secret fraternity."

Also, the bill (No. 2078, Int. No. 1580), entitled "An act to incorporate the fire department of the unincorporated village of Stony Brook, Suffolk county, New York."

Also, the bill (No. 1798, Int. No. 1010), entitled "An act to amend the Code of Criminal Procedure, in relation to the taking of bail, in proceedings respecting disorderly persons."

Also, the bill (No. 1430, Int. No. 1232), entitled "An act to amend the Drainage Law, generally."

Also, the bill (No. 1840, Int. No. 1451), entitled "An act to amend the General Municipal Law, relative to limitation of indebtedness."

Also, the bill (No. 886, Int. No. 803), entitled "An act to amend the State Charities Law, relating to the detention and discharge of inmates in the Rome State Custodial Asylum."

Also, the bill (No. 1702, Int. No. 1386), entitled "An act to amend the Civil Rights Law, in relation to exhibition of photographs."

Also, the bill (No. 1915, Int. No. 1235), entitled "An act to amend chapter one hundred and forty-two of the Laws of nineteen hundred, entitled 'An act to make the office of sheriff of Cattaraugus county a salaried office, and to regulate the management thereof,' generally."

Also, the bill (No. 2103, Int. No. 685), entitled "An act to amend the Agricultural Law, in relation to inspection and sale of seeds."

Also, the bill (No. 2095, Int. No. 1597), entitled "An act to amend the Agricultural Law, in relation to quarantining of farms, inspection of premises, detention and destruction of animals," with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk deliver said bills to the Governor.

The Senate returned the bill (No. 2349, Int. No. 1745), entitled "An act relating to the repaving of streets and highways in the city of Mount Vernon which have once been paved at the expense of abutting property, in whole or in part, and authorizing such city to raise money therefor by the issue of bonds," with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of Mount Vernon.

Also, the bill (No. 1870, Int. No. 1479), entitled "An act to establish the city court of Buffalo, defining its powers and jurisdiction and providing for its officers," with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of Buffalo.

Also, the bill (No. 2175, Int. No. 923), entitled "An act to amend chapter six hundred and fifty of the Laws of nineteen hundred and four, entitled 'An act to revise the charter of the city of Rome,' relative to salary of aldermen," with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of Rome.

Also, the bill (No. 2157, Int. No. 1642), entitled "An act to



amend chapter one hundred and five of the Laws of eighteen hundred and ninety-one, entitled 'An act to revise the charter of the city of Buffalo,' by providing an additional remedy for purchasers of land within the city at city and county tax sales," with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of Buffalo.

Also, the bill (No. 2356, Int. No. 658), entitled "An act to amend the Railroad Law, in relation to consolidation of corporations owning continuous lines."

Also, the bill (No. 2323, Int. No. 1733), entitled "An act to amend the Village Law, in relation to the dedication of streets."

Also, the bill (No. 1689, Int. No. 1381), entitled "An act to amend the Village Law, in relation to establishment of boards of park commissioners and defining their powers and duties."

Also, the bill (No. 2168, Int. No. 1623), entitled "An act to amend the State Board and Commissions Law, in relation to river improvement."

Also, the bill (No. 2194, Int. No. 1657), entitled "An act to amend the Benevolent Orders Law, in relation to the Junior Order of United American Mechanics."

Also, the bill (No. 2045, Int. No. 1567), entitled "An act to amend the Penal Law, in relation to the unlawful transfer of tickets giving reduced fee for admission to dramatic and other performances and entertainments."

Also, the bill (No. 727, Int. No. 676), entitled "An act to provide for the completion of a dyke or dykes for the protection of property adjacent to the Delaware river in the town of Highland in the county of Sullivan, and making an appropriation therefor."

Also, the bill (No. 2377, Int. No. 1698), entitled "An act to amend the Tax Law, in relation to collection of taxes upon mortgages," with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk deliver said bills to the Governor.

The Senate returned the Assembly bill (No. 1795, Senate re-

print No. 1446, Int. No. 1446), entitled "An act to extend the time of the Watertown and Carthage Traction Company to complete the construction of its road and extensions, and put the same in operation."

Ordered, That the Clerk deliver said bill to the Governor.

The Senate returned the Senate bill (No. 881, Assembly reprint No. 2328, Rec. No. 147), entitled "An act to amend the Penal Law, in relation to the unauthorized use of vehicles."

Also, Senate bill (No. 764, Assembly reprint No. 2327, Rec. No. 155), entitled "An act to amend the Agricultural Law, in relation to suppression of infectious and contagious diseases of domestic animals."

Also, Senate bill (No. 1007, Assembly reprint No. 2302, Rec. No. 210), entitled "An act to amend chapter one hundred and five of the Laws of eighteen hundred and ninety-one, entitled 'An act to revise the charter of the city of Buffalo,' in relation to permits to carry pistols and in relation to the police pension fund," with a message that they have concurred in the amendments of the Assembly made thereto.

Ordered, That the Clerk return said bills to the Senate.

The Senate returned the Senate bill (No. 145, Assembly reprint No. 2326, Rec. No. 86), entitled "An act to amend section eight hundred and twelve of the Code of Civil Procedure, in relation to general regulations respecting bonds and undertakings," with a message that the President appointed Messrs. Hill, Newcomb and Caffrey as such committee on the part of the Senate.

The Senate returned the concurrent resolution recalling from the Governor, for the purposes of amendment, Assembly bill (No. 1240, Int. No. 1086), entitled "An act to amend the County Law, in relation to the bond of the treasurer of Genesee county," with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said resolution to the Governor.

The Senate returned the concurrent resolution recalling from the Governor, for the purposes of amendment, Assembly bill (No. 1239, Int. No. 1085), entitled "An act to amend the Town Law,

in relation to town charges in the county of Genesee," with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said resolution to the Governor.

The Senate returned the concurrent resolution recalling from the Governor, for the purposes of amendment, Assembly bill (No. 2010, Int. No. 1082), entitled "An act to make the office of supervisor in the county of Livingston a salaried office, to provide for the manner of auditing and paying accounts against the county, and to regulate generally the finances thereof," with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said resolution to the Governor.

The Senate returned the concurrent resolution recalling from the Governor, for the purposes of amendment, Assembly bill (No. 717, Int. No. 672), entitled "An act to release certain State lands to the city of Middletown and town of Walkill, respectively, in the county of Orange, upon certain conditions," with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said resolution to the Governor.

The Senate returned the concurrent resolution recalling from the Governor, for the purposes of amendment, Assembly bill (No. 2008, Int. No. 895), entitled "An act to amend the Election Law, relative to election officers," with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said resolution to the Governor.

The Senate returned the concurrent resolution recalling from the Governor, for the purposes of amendment, Assembly bill (No. 107, Int. No. 107), entitled "An act to amend the Forest, Fish and Game Law, in relation to the use of tip-ups, in the waters of Greene county," with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said resolution to the Governor.

A communication was received from Hon. Samuel A. Carkon, mayor of the city of Jamestown, returning Assembly bill (No.



1394, Senate reprint No. 1088, Int. No. 892), entitled "An act to amend the charter of the city of Jamestown generally," with a message that said mayor, and the common council of said city, after a public hearing thereon, do approve said bill and accept the same.

Ordered, That the Clerk deliver said bill to the Governor.

A communication was received from Hon. Louis T. Fick, mayor of the city of North Tonawanda, returning Assembly bill (No. 1010, Int. No. 903), entitled "An act to amend chapter seven hundred and fifty-two of the Laws of nineteen hundred and seven, entitled 'An act to revise the charter of the city of North Tonawanda,' generally," with a message that said mayor, and the common council of said city, after a public hearing thereon, do approve said bill and accept the same.

Ordered, That the Clerk deliver said bill to the Governor.

A communication was received from Hon. H. H. Edgerton, mayor of the city of Rochester, returning Assembly bill (No. 1073, Int. No. 314), entitled "An act to enable the commissioner of public safety of the city of Rochester to reinstate Thomas W. Rice, formerly a captain of truck company number three in the fire department of the said city," with a message that said mayor, and the common council of said city, after a public hearing thereon, do approve said bill and accept the same.

Ordered, That the Clerk deliver said bill to the Governor.

A communication was received from Hon. H. H. Edgerton, mayor of the city of Rochester, returning Assembly bill (No. 767, Int. No. 410), entitled "An act making an appropriation for a State game bird farm to supply the depleted covers of the State of New York," with a message that said mayor, and the common council of said city, after a public hearing thereon, do approve said bill and accept the same.

Ordered, That the Clerk deliver said bill to the Governor.

A communication was received from Hon. Geo. B. McClellan, mayor of the city of New York, returning Assembly bill (No. 1862, Int. No. 1109), entitled "An act to amend chapter four hundred and ten of the Laws of eighteen hundred and eighty-two, entitled 'An act to consolidate into one act and to declare the special and local laws affecting public interests in the city of New

York,' relating to the protection of sailors," with a message that said mayor, after a public hearing thereon, does approve said bill and accept the same.

Ordered, That the Clerk deliver said bill to the Governor.

A communication was received from Hon. H. B. Lyon, acting mayor of the city of Dunkirk, returning Assembly bill (No. 1682, Senate reprint No. 1409, Int. No. 926), entitled "An act to consolidate and revise the several acts relative to the city of Dunkirk," with a message that said mayor, and the common council of said city, after a public hearing thereon, do approve said bill and accept the same.

Ordered, That the Clerk deliver said bill to the Governor.

A communication was received from Hon. Geo. B. McClellan, mayor of the city of New York, returning Assembly bill (No. 1080, Senate reprint No. 1118, Int. No. 962), entitled "An act to amend the Greater New York charter, in relation to the term of commitment of children to charitable corporations, one of whose objects is the care of children or the placing of children in families," with a message that said mayor, after a public hearing thereon, does approve said bill and accept the same.

Ordered, That the Clerk deliver said bill to the Governor.

A communication was received from Hon. John K. Smith, mayor of the city of Oswego, returning Assembly bill (No. 1429, Int. No. 1231), entitled "An act to amend chapter three hundred and ninety-four of the Laws of eighteen hundred and ninety-five, entitled 'An act to revise the charter of the city of Oswego,' in relation to the amount to be raised by taxation in said city for the department of water and the payment of outstanding bonds for the water supply in said city," with a message that said mayor, and the common council of said city, after a public hearing thereon, do approve said bill and accept the same.

Ordered, That the Clerk deliver said bill to the Governor.

A communication was received from Hon. Wm. H. Henon, acting mayor of the city of Schenectady, returning Assembly bill (No. 1714, Int. No. 1400), entitled "An act to amend chapter seven hundred and fifty-six of the Laws of nineteen hundred and seven, entitled 'An act to provide for the government and to supplement the provisions of law relating to the city of Schenectady,'

in relation to the appointment of an acting police justice and city judge," with a message that said mayor, and the common council of said city, after a public hearing thereon, do approve said bill and accept the same.

Ordered, That the Clerk deliver said bill to the Governor.

A communication was received from Hon. John K. Smith, mayor of the city of Oswego, returning Assembly bill (No. 1691, Int. No. 1230), entitled "An act to amend chapter three hundred and ninety-four of the Laws of eighteen hundred and ninety-five, entitled 'An act to revise the charter of the city of Oswego,' generally," with a message that said mayor, and the common council of said city, after a public hearing thereon, do approve said bill and accept the same.

Ordered, That the Clerk deliver said bill to the Governor.

On motion of Mr. Merritt, the House adjourned.

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## THURSDAY, APRIL 29, 1909.

The House met pursuant to adjournment.

Prayer by Rev. J. Addison Jones.

On motion of Mr. Merritt, the reading of the journal of yesterday was dispensed with and the same was approved.

Mr. Speaker presented the annual report of the Superintendent of Insurance, Fire and Marine Insurance, which was laid upon the table and ordered printed.

(See Assembly Document No. 28.)

Also, the supplementary annual report of the Mohawk and Hudson River Humane Society, which was laid upon the table and ordered printed.

(See Assembly Document No. 72.)

Mr. C. F. Brown gives notice that he requests that Assembly bill (No. 2285, Senate reprint No. 1515, Int. No. 1559), entitled "An act to amend the Public Health Law, relative to the practice of pharmacy," a copy of which is hereto annexed, be made



a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Gunderman gives notice that he requests that Assembly bill (No. 2388, Int. No. 1762), entitled "An act to make the office of sheriff of Tompkins county a salaried office, in part, and regulate the management thereof," a copy of which hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on third reading.

Mr. Gunderman gives notice that he requests that Assembly bill (No. 2389, Int. No. 1763), entitled "An act to make the office of county clerk of Tompkins county a salaried office and to regulate the management thereof," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on third reading.

Mr. Merritt gives notice that he requests that Assembly bill (No. 46, Senate reprint No. 1538, Int. No. 46), entitled "An act in relation to railroads, constituting chapter forty-nine of the Consolidated Laws," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on third reading.

Mr. Hamn gives notice that he requests that Assembly bill (No. 2370, Int. No. 1718), entitled "An act to amend the Highway Law, by repealing article eleven thereof and inserting a new article eleven, in relation to motor vehicles," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. McInerney gives notice that he requests that Assembly bill (No. 2336, Int. No. 1099), entitled "An act to amend the Code of Civil Procedure, relative to personal service upon certain unincorporated associations," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Reed gives notice that he requests that Assembly bill (No. 509, Int. No. 485), entitled "An act providing for the erection of a new State armory at Auburn, New York, the acquisition of a site for the same, and making an appropriation therefor; and providing for the sale of the old armory site and building, and the application of the proceeds to such new building, and for other purposes relative to the same," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Glore gives notice that he requests that the Senate bill introduced by Mr. Alt (No. 1362, Rec. No. 268), entitled "An act to amend section forty-four of the Consolidated Agricultural Law relating to skim-milk and also skim-cheese," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Whitney gives notice that he requests that the Senate bill introduced by Mr. Brackett (No. 1438, Rec. No. 347), entitled "An act to amend the Code of Civil Procedure, in relation to the officers of the Court of Claims," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Whitney gives notice that he requests that the Senate bill introduced by Mr. Brackett (No. 997, Rec. No. 167), entitled "An act to amend section twenty-three of the General Corporation Law, being chapter twenty-three of the Consolidated Laws, in relation to the voting of stock by trustees," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Wende gives notice that he requests that the Senate bill (No. 1109, Rec. No. 282), entitled "An act to amend the Town Law, generally," a copy of which is hereto annexed, be made a special order and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. De Groot gives notice that he requests that the Senate bill (No. 1523, Rec. No. 371), entitled "An act to amend the Greater New York charter in relation to rights of owners of land abutting on aqueduct," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Foley gives notice that he requests that the Senate bill (No. 1210, Rec. No. 339), entitled "An act to amend the Greater New York charter, in relation to the fixing and regulating of the salaries of members of the supervising and teaching staff of the public schools in the city of New York, and to the general school fund," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. McLaughlin gives notice that he requests that the Senate bill introduced by Mr. Holden (No. 1287, Rec. No. 377), entitled "An act to amend the County Law in regard to the general powers of boards of supervisors," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. MacGregor gives notice that he requests that the Senate bill (No. 1553, Rec. No. 392), entitled "An act to amend chapter one hundred and ninety-three of the Laws of eighteen hundred and forty-six, entitled 'An act to incorporate the University of Buffalo,' and all acts amendatory thereof," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Frisbie gives notice that he requests that the Senate bill introduced by Mr. Hill (No. 1353, Rec. No. 380), entitled "An act to amend the Banking Law, in relation to investments of capital," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.



Mr. Reed gives notice that he requests that the Senate bill introduced by Mr. Hewitt (No. 1081, Rec. No. 198), entitled "An act to amend the Insurance Law in relation to the exception of State or subordinate granges or bodies of Patrons of Husbandry from certain of its provisions," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Frisbie gives notice that he requests that the Senate bill introduced by Mr. Grady (No. 1522, Rec. No. 359), entitled "An act to amend chapter six hundred and sixty-one of the Laws of nineteen hundred and six, entitled 'An act to provide for a better arrangement, indexing and preservation of the records, documents, books, maps and papers, deposited or filed in the office of the clerk of the county of New York,'" a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Evans gives notice that he requests that the Senate bill introduced by Mr. Rose (No. 875, Rec. No. 161), entitled "An act to amend chapter five hundred and seventy-two of the Laws of nineteen hundred and two, entitled 'An act to revise and amend an act to incorporate the city of Middletown and the acts amendatory thereof,' in relation to a curfew law for such city," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Evans gives notice that he requests that the Senate bill introduced by Mr. Rose (No. 1130, Rec. No. 297), entitled "An act to amend the Town Law, in relation to town collectors in the county of Orange," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Hamn gives notices that he requests that the Senate bill introduced by Mr. Travis (No. 1524, Rec. No. 375), entitled "An act to amend the Insurance Law, in relation to the insurance of

automobiles and other vehicles," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Robinson gives notice that he requests that the Senate bill introduced by Mr. Schulz (No. 131, Rec. No. 281), entitled "An act relating to the filing of data in regard to the water supply of cities of the first class in their water departments, boards or officers and the receipt in evidence of such data," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Robinson gives notice that he requests that the Senate bill introduced by Mr. Stilwell (No. 1507, Rec. No. 370), entitled "An act to amend chapter four of the Laws of eighteen hundred and ninety-one, entitled 'An act to provide rapid transit railways in cities of over one million inhabitants,' in regard to extensions of such railways," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Duell gives notice that he requests that the Senate bill introduced by Mr. Wainwright (No. 1128, Rec. No. 382), entitled "An act to amend the Poor Law, in relation to the method of determining and raising moneys for the support of the poor in cities," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. J. S. Phillips gives notice that he requests that the Senate bill introduced by Mr. Witter (No. 1448, Rec. No. 355), entitled "An act to amend chapter forty-seven of the Laws of eighteen hundred and sixty-nine, entitled 'An act regulating auction sales in the village of Wellsville,' in relation to transient retail business in such village," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Williams gives notice that he requests that the Senate bill introduced by Mr. Wagner (No. 1414, Rec. No. 329), entitled "An act to confer jurisdiction upon the Court of Claims to hear, audit and determine the alleged claim of Michael O'Keefe against the State of New York for damages alleged to have been sustained by him while in the employ of the State and to render judgment therefor," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. A. E. Smith gives notice that he requests that the Senate bill introduced by Mr. Wagner (No. 577, Rec. No. 191), entitled "An act to amend the Negotiable Instruments Law, relating to forged indorsements," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Duell gives notice that he requests that the Senate bill introduced by Mr. Wainwright (No. 1426, Rec. No. 330), entitled "An act to confer certain rights upon the city of Mount Vernon and upon the city of New York, with respect to supplying water to the said city of Mount Vernon and the inhabitants thereof from the water supply of the city of New York, and to confer jurisdiction upon the State Water Supply Commission in respect thereto," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. A. E. Smith gives notice that he requests that the Senate bill introduced by Mr. Frawley (No. 1548, Rec. No. 391), entitled "An act to amend an act entitled 'An act relating to labor,' constituting chapter thirty-one of the Consolidated Laws," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and their reading.

Mr. Merritt gives notice that he requests that the Senate bill introduced by committee on finance (No. 1347, Rec. No. 333), entitled "An act to amend chapter six hundred and seventy of the



Laws of nineteen hundred and six, entitled 'An act to establish a new State prison in the eastern part of the State to take the place of Sing Sing prison; to authorize the Governor to appoint a commission to select and purchase a site,' in relation to the erection and completion of such prison, the compensation and expenses of the commissioners and their secretary, and making an additional appropriation therefor," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Merritt gives notice that he requests that the Senate bill introduced by committee on finance (No. 1348, Rec. No. 342), entitled "An act making appropriations for construction, addition and improvements at the State hospitals for the insane," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Merritt gives notice that he requests that the Senate bill introduced by committee on finance (No. 1488, Rec. No. 343), entitled 'An act providing for the construction of buildings and improvements for the New York State Training School for Boys, and making an appropriation therefor,' a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Merritt gives notice that he requests that the Senate bill introduced by committee on finance (No. 1300, Rec. No. 344), entitled "An act to amend the Public Health Law, in relation to the quarantine commissioners and the health officer for the port of New York, and repealing certain sections relating to the quarantine commissioners," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

The Senate sent for concurrence the following entitled bills:

"An act making an appropriation for the payment of interest on the debt for highway improvement contracted or to be contracted under article seven, section twelve of the Constitution,

and as provided by law for the fiscal year beginning on the first day of October, nineteen hundred and eight " (No. 1529, Rec. No. 383), which was read the first time.

On motion of Mr. Merritt, and by unanimous consent, said bill was read the second time and ordered to a third reading.

On motion of Mr. Merritt, and by unanimous consent, said bill was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 135

NOES 00

Those who voted in the affirmative were:

Allen	Farrar	Joseph	Merritt	Smith C
Barden	Fay	Klein	Millen	Smith F L
Bates	Filley	Lachman	Miller J L	Smith M
Baumann	Foley	Lanahan	Miller W G	Staley
Baumes	Francis	Lansing	Murphy C F	Stein
Bennett	Frisbie	Lazarus	Murphy F J	Stern
Bohan	Garbe	Lee	Murray	Sullivan
Boshart	Geoghegan	Leffingwell	Neupert	Surpless
Brady	Gillen	Levy A J	Nolan	Thompson
Brennan	Glore	Levy J	Odell	Thorn
Brown C F	Glück	Lewis	Oliver	Travis
Brown G W	Goldberg	Lowe	O'Neil	Voss
Burhyte	Goodspeed	Lowman	Parker F B	Waddell
Caughlan	Graubard	Lupton	Parker J S	Walters
Cheney	Gray	MacGregor	Partridge	Ward
Clarke	Green	Manley	Perkins	Waters
Colné	Gunderman	Marks	Phillips C W	Weaver
Conklin	Hackett	Marlatt	Phillips J S	Weber
Costello	Hammond	Martin	Robinson	Weimert
Cuvillier	Hamm	McCue	Rozan	Wende
De Groot	Hawley	McElligott	Sanner	White L H
Donnelly	Hemenway	McFarlane	Sargent	Whitley
Draper	Herrick	McGrath	Schmidt	Whitney
Duell	Hoey	McInerney	Schutta	Williams
Eagleton	Howard	McKeon	Scott	Wood
Edwards	Jackson	McLaughlin	Shea	Yale
Evans	Jordan	Mead	Smith A E	Young F L

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

"An act to provide ways and means for the annual contribution

to the highway improvement sinking fund " (No. 1530, Rec. No. 384), which was read the first time.

On motion of Mr. Merritt, and by unanimous consent, said bill was read the second time and ordered to a third reading.

On motion of Mr. Merritt, and by unanimous consent, said bill was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 136

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Klein	Millen	Smith F L
Barden	Filley	Lachman	Miller J L	Smith M
Bates	Foley	Lanahan	Miller W G	Staley
Baumann	Francis	Lansing	Murphy C F	Stein
Baumes	Frisbie	Lazarus	Murphy F J	Stern
Bennett	Garbe	Lee	Murray	Sullivan
Bohan	Geoghegan	Leffingwell	Neupert	Surpless
Boshart	Gillen	Levy A J	Nolan	Thompson
Brady	Glore	Levy J	Odell	Thorn
Brennan	Glück	Lewis	Oliver	Travis
Brown C F	Goldberg	Lowe	O'Neil	Voss
Brown G W	Goodspeed	Lowman	Parker F B	Waddell
Burhyte	Graubard	Lupton	Parker J S	Walters
Caughlan	Gray	MacGregor	Partridge	Ward
Cheney	Green	Manley	Perkins	Waters
Clarke	Gunderman	Marks	Phillips C W	Weaver
Colné	Hackett	Marlatt	Phillips J S	Weber
Conklin	Hammond	Martin	Robinson	Weimert
Costello	Hamn	McCue	Rozan	Wende
Cuvillier	Hawley	McElligott	Sanner	White L H
De Groot	Hemenway	McFarlane	Sargent	Whitley
Donnelly	Herrick	McGrath	Schmidt	Whitney
Draper	Hoey	McInerney	Schutta	Williams
Duell	Howard	McKeon	Scott	Wood
Eagleton	Jackson	McLaughlin	Shea	Yale
Edwards	Jordan	Mead	Smith A E	Young E
Evans	Joseph	Merritt	Smith C	Young F L
Farrar				

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

"An act to provide ways and means for the annual contribution to the canal debt sinking fund " (No. 1531, Rec. No. 385), which was read the first time.



On motion of Mr. Merritt, and by unanimous consent, said bill was read the second time and ordered to a third reading.

On motion of Mr. Merritt, and by unanimous consent, said bill was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 135

NOES 00

Those who voted in the affirmative were:

Allen	Farrar	Joseph	Merritt	Smith C
Barden	Fay	Klein	Millen	Smith F L
Bates	Filley	Lachman	Miller J L	Smith M
Baumann	Foley	Lanahan	Miller W G	Staley
Baumes	Francis	Lansing	Murphy C F	Stein
Bennett	Frisbie	Lazarus	Murphy F J	Stern
Bohan	Garbe	Lee	Murray	Sullivan
Boshart	Geoghegan	Leffingwell	Neupert	Surpless
Brady	Gillen	Levy A J	Nolan	Thompson
Brennan	Glore	Levy J	Odell	Thorn
Brown C F	Glück	Lewis	Oliver	Travis
Brown G W	Goldberg	Lowe	O'Neil	Voss
Burhyte	Goodspeed	Lowman	Parker F B	Waddell
Caughlan	Graubard	Lupton	Parker J S	Walters
Cheney	Gray	MacGregor	Partridge	Ward
Clarke	Green	Manley	Perkins	Waters
Colné	Gunderman	Marks	Phillips C W	Weaver
Conklin	Hackett	Marlatt	Phillips J S	Weber
Costello	Hammond	Martin	Robinson	Weimert
Cuvillier	Hamn	McCue	Rozan	Wende
De Groot	Hawley	McElligott	Sanner	White L H
Donnelly	Hemenway	McFarlane	Sargent	Whitley
Draper	Herrick	McGrath	Schmidt	Whitney
Duell	Hoey	McInerney	Schutta	Williams
Eagleton	Howard	McKeon	Scott	Wood
Edwards	Jackson	McLaughlin	Shea	Yale
Evans	Jordan	Mead	Smith A E	Young F L

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

"An act making an appropriation for the payment for the fiscal year beginning on the first day of October, nineteen hundred and eight, of interest on the canal debt contracted or to be contracted under article seven, section four of the Constitution" (No. 1532, Rec. No. 386), which was read the first time.

On motion of Mr. Merritt, and by unanimous consent, said bill was read the second time and ordered to a third reading.

On motion of Mr. Merritt, and by unanimous consent, said bill was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 135

NOES 00

Those who voted in the affirmative were:

Allen	Farrar	Joseph	Merritt	Smith C
Barden	Fay	Klein	Millen	Smith F L
Bates	Filley	Lachman	Miller J L	Smith M
Baumann	Foley	Lanahan	Miller W G	Staley
Baumes	Francis	Lansing	Murphy C F	Stein
Bennett	Frisbie	Lazarus	Murphy F J	Stern
Bohan	Garbe	Lee	Murray	Sullivan
Boshart	Geoghegan	Leffingwell	Neupert	Surpluss
Brady	Gillen	Levy A J	Nolan	Thompson
Brennan	Glore	Levy J	Odell	Thorn
Brown C F	Glück	Lewis	Oliver	Travis
Brown G W	Goldberg	Lowe	O'Neil	Voss
Burhyte	Goodspeed	Lowman	Parker F B	Waddell
Caughlan	Graubard	Lupton	Parker J S	Walters
Cheney	Gray	MacGregor	Partridge	Ward
Clarke	Green	Manley	Perkins	Waters
Colné	Gunderman	Marks	Phillips C W	Weaver
Conklin	Hackett	Marlatt	Phillips J S	Weber
Costello	Hammond	Martin	Robinson	Weimert
Cuvillier	Hamm	McCue	Rozan	Wende
De Groot	Hawley	McElligott	Sanner	White L H
Donnelly	Hemenway	McFarlane	Sargent	Whitley
Draper	Herrick	McGrath	Schmidt	Whitney
Duell	Hoey	McInerney	Schutta	Williams
Eagleton	Howard	McKeon	Scott	Wood
Edwards	Jackson	McLaughlin	Shea	Yale
Evans	Jordan	Mead	Smith A E	Young F L

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

“An act making an appropriation for the payment of interest on the debt for highway improvement contracted or to be contracted under article seven, section twelve of the Constitution, and as provided by law, for the fiscal year beginning on the first day

of October, nineteen hundred and nine" (No. 1533, Rec. No. 387), which was read the first time.

On motion of Mr. Merritt, and by unanimous consent, said bill was read the second time and ordered to a third reading.

On motion of Mr. Merritt, and by unanimous consent, said bill was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 135

NOES 00

Those who voted in the affirmative were:

Allen	Farrar	Joseph	Merritt	Smith C
Barden	Fay	Klein	Millen	Smith F L
Bates	Filley	Lachman	Miller J L	Smith M
Baumann	Foley	Lanahan	Miller W G	Staley
Baumes	Francis	Lansing	Murphy C F	Stein
Bennett	Frisbie	Lazarus	Murphy F J	Stern
Bohan	Garbe	Lee	Murray	Sullivan
Boshart	Geoghegan	Leffingwell	Neupert	Surpluss
Brady	Gillen	Levy A J	Nolan	Thompson
Brennan	Glore	Levy J	Odell	Thorn
Brown C F	Glück	Lewis	Oliver	Travis
Brown G W	Goldberg	Lowe	O'Neil	Voss
Burhyte	Goodspeed	Lowman	Parker F B	Waddell
Caughlan	Graubard	Lupton	Parker J S	Walters
Cheney	Gray	MacGregor	Partridge	Ward
Clarke	Green	Manley	Perkins	Waters
Colné	Gunderman	Marks	Phillips C W	Weaver
Conklin	Hackett	Marlatt	Phillips J S	Weber
Costello	Hammond	Martin	Robinson	Weimert
Cuvillier	Hamn	McCue	Rozan	Wende
De Groot	Hawley	McElligott	Sanner	White L H
Donnelly	Hemenway	McFarlane	Sargent	Whitley
Draper	Herrick	McGrath	Schmidt	Whitney
Duell	Hoey	McInerney	Schutta	Williams
Eagleton	Howard	McKeon	Scott	Wood
Edwards	Jackson	McLaughlin	Shea	Yale
Evans	Jordan	Mead	Smith A E	Young F L

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

'An act making an appropriation for the fiscal year beginning on the first day of October, nineteen hundred and nine, of interest



on the canal debt contracted or to be contracted under article seven, section four of the Constitution" (No. 1534, Rec. No. 388), which was read the first time."

On motion of Mr. Merritt, and by unanimous consent, said bill was read the second time and ordered to a third reading.

On motion of Mr. Merritt, and by unanimous consent, said bill was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 135

NOES 00

Those who voted in the affirmative were:

Allen	Farrar	Joseph	Merritt	Smith C
Barden	Fay	Klein	Millen	Smith F L
Bates	Filley	Lachman	Miller J L	Smith M
Baumann	Foley	Lanahan	Miller W G	Staley
Baumes	Francis	Lansing	Murphy C F	Stein
Bennett	Frisbie	Lazarus	Murphy F J	Stern
Bohan	Garbe	Lee	Murray	Sullivan
Boshart	Geoghegan	Leffingwell	Neupert	Surpluss
Brady	Gillen	Levy A J	Nolan	Thompson
Brennan	Glore	Levy J	Odell	Thorn
Brown C F	Glück	Lewis	Oliver	Travis
Brown G W	Goldberg	Lowe	O'Neil	Voss
Burhyte	Goodspeed	Lowman	Parker F B	Waddell
Caughlan	Graubard	Lupton	Parker J S	Walters
Cheney	Gray	MacGregor	Partridge	Ward
Clarke	Green	Manley	Perkins	Waters
Colné	Gunderman	Marks	Phillips C W	Weaver
Conklin	Hackett	Marlatt	Phillips J S	Weber
Costello	Hammond	Martin	Robinson	Weimert
Cuvillier	Hamn	McCue	Rozan	Wende
De Groot	Hawley	McElligott	Sanner	White L H
Donnelly	Hemenway	McFarlane	Sargent	Whitley
Draper	Herrick	McGrath	Schmidt	Whitney
Duell	Hoey	McInerney	Schutta	Williams
Eagleton	Howard	McKeon	Scott	Wood
Edwards	Jackson	McLaughlin	Shea	Yale
Evans	Jordan	Mead	Smith A E	Young F L

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

"An act to make the office of sheriff of Tompkins county a

salaried office, in part, and to regulate the management thereof" (No. 1535, Rec. No. 389), which was read the first time.

On motion of Mr. Gunderman, and by unanimous consent, said bill was read the second time and ordered to a third reading.

On motion of Mr. Gunderman, and by unanimous consent, said bill was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 135

NOES 00

Those who voted in the affirmative were:

Allen	Farrar	Joseph	Merritt	Smith C
Barden	Fay	Klein	Millen	Smith F L
Bates	Filley	Lachman	Miller J L	Smith M
Baumann	Foley	Lanahan	Miller W G	Staley
Baumes	Francis	Lansing	Murphy C F	Stein
Bennett	Frisbie	Lazarus	Murphy F J	Stern
Bohan	Garbe	Lee	Murray	Sullivan
Boshart	Geoghegan	Leffingwell	Neupert	Surpless
Brady	Gillen	Levy A J	Nolan	Thompson
Brennan	Glore	Levy J	Odell	Thorn
Brown C F	Glück	Lewis	Oliver	Travis
Brown G W	Goldberg	Lowe	O'Neil	Voss
Burhyte	Goodspeed	Lowman	Parker F B	Waddell
Caughlan	Graubard	Lupton	Parker J S	Walters
Cheney	Gray	MacGregor	Partridge	Ward
Clarke	Green	Manley	Perkins	Waters
Colné	Gunderman	Marks	Phillips C W	Weaver
Conklin	Hackett	Marlatt	Phillips J S	Weber
Costello	Hammond	Martin	Robinson	Weimert
Cuvillier	Hamn	McCue	Rozan	Wende
De Groot	Hawley	McElligott	Sanner	White L H
Donnelly	Hemenway	McFarlane	Sargent	Whitley
Draper	Herrick	McGrath	Schmidt	Whitney
Duell	Hoey	McInerney	Schutta	Williams
Eagleton	Howard	McKeon	Scott	Wood
Edwards	Jackson	McLaughlin	Shea	Yale
Evans	Jordan	Mead	Smith A E	Young F L

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

"An act to make the office of county clerk of Tompkins county a salaried office and to regulate the management thereof" (No. 1536, Rec. No. 390), which was read the first time.

On motion of Mr. Gunderman, and by unanimous consent, said bill was read the second time and ordered to a third reading.

On motion of Mr. Gunderman, and by unanimous consent, said bill was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 135

NOES 00

Those who voted in the affirmative were:

Allen	Farrar	Joseph	Merritt	Smith C
Barden	Fay	Klein	Millen	Smith F L
Bates	Filley	Lachman	Miller J L	Smith M
Baumann	Foley	Lanahan	Miller W G	Staley
Baumes	Francis	Lansing	Murphy C F	Stein
Bennett	Frisbie	Lazarus	Murphy F J	Stern
Bohan	Garbe	Lee	Murray	Sullivan
Boshart	Geoghegan	Leffingwell	Neupert	Surpless
Brady	Gillen	Levy A J	Nolan	Thompson
Brennan	Glore	Levy J	Odell	Thorn
Brown C F	Glück	Lewis	Oliver	Travis
Brown G W	Goldberg	Lowe	O'Neil	Voss
Burhyte	Goodspeed	Lowman	Parker F B	Waddell
Caughlan	Graubard	Lupton	Parker J S	Walters
Cheney	Gray	MacGregor	Partridge	Ward
Clarke	Green	Manley	Perkins	Waters
Colné	Gunderman	Marks	Phillips C W	Weaver
Conklin	Hackett	Marlatt	Phillips J S	Weber
Costello	Hammond	Martin	Robinson	Weimert
Cuvillier	Hamn	McCue	Rozan	Wende
De Groot	Hawley	McElligott	Sanner	White L H
Donnelly	Hemenway	McFarlane	Sargent	Whitley
Draper	Herrick	McGrath	Schmidt	Whitney
Duell	Hoe	McInerney	Schutta	Williams
Eagleton	Howard	McKeon	Scott	Wood
Edwards	Jackson	McLaughlin	Shea	Yale
Evans	Jordan	Mead	Smith A E	Young F L

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

"An act to amend an act entitled 'An act relating to labor,' constituting chapter thirty-one of the Consolidated Laws" (No. 1548, Rec. No. 391), which was read the first time and referred to the committee on labor and industries."



"An act to amend chapter one hundred and ninety-three of the Laws of eighteen hundred and forty-six, entitled 'An act to incorporate the University of Buffalo,' and all acts amendatory thereof " (No. 1553, Rec. No. 392), which was read the first time and referred to the committee on affairs of cities."

"An act to amend the Judiciary Law, in relation to the appointment of confidential clerks by county judges of certain counties " (No. 1274, Rec. No. 393), which was read the first time and referred to the committee on internal affairs.

"An act to amend the Judiciary Law, in relation to the salary of confidential clerks to certain county judges " (No. 1278, Rec. No. 394), which was read the first time and referred to the committee on internal affairs.

"An act to amend the Prison Law, in relation to the location of State prisons " (No. 1441, Rec. No. 395), which was read the first time and referred to the committee on State prisons.

"An act to legalize and confirm the grant of lands under the waters of Byram river, in the town of Rye, county of Westchester, heretofore made by the Commissioners of the Land Office of the State of New York to Addison Johnson, and releasing the interests of the State of New York therein " (No. 1549, Rec. No. 396), which was read the first time and referred to the committee on the judiciary.

"An act to establish a commission to inquire into the question of employers' liability and also into the causes and effects of unemployment in the State of New York, and making an appropriation for the expenses of said commission " (No. 1559, Rec. No. 397), which was read the first time.

On motion of Mr. Merritt, and by unanimous consent, said bill was read the second time and ordered to a third reading.

A message from the Governor was received and read, in words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER.

*To the Legislature:*

It appearing to my satisfaction that the public interest requires it;

Therefore, In accordance with the provisions of section 15 of article 3 of the Constitution and by virtue of the authority thereby

conferred upon me, I do hereby certify to the necessity of the immediate passage of Senate bill No. 1559 (Int. No. 1113), entitled "An act to establish a commission to inquire into the question of employers' liability and also into the causes and effects of unemployment in the State of New York, and making an appropriation for the expenses of said commission."

Given under my hand and the privy seal of the State at the Capitol, in the city of Albany, this twenty-eighth day of April, in the year of our Lord one thousand nine hundred and nine.

(Signed.) CHARLES E. HUGHES.

By the Governor:

ROBERT H. FULLER,

*Secretary to the Governor.*

On motion of Mr. Merritt, and by unanimous consent, said bill was read the third time, having been printed and on the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, the necessity for the immediate passage of the same having been certified by the Governor, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 135

NOES 00

Those who voted in the affirmative were:

Allen	Farrar	Joseph	Merritt	Smith C
Barden	Fay	Klein	Millen	Smith F L
Bates	Filley	Lachman	Miller J L	Smith M
Baumann	Foley	Lanahan	Miller W G	Staley
Baumes	Francis	Lansing	Murphy C F	Stein
Bennett	Frisbie	Lazarus	Murphy F J	Stern
Bohan	Garbe	Lee	Murray	Sullivan
Boshart	Geoghegan	Leffingwell	Neupert	Surpluss
Brady	Gillen	Levy A J	Nolan	Thompson
Brennan	Glore	Levy J	Odell	Thorn
Brown C F	Glück	Lewis	Oliver	Travis
Brown G W	Goldberg	Lowe	O'Neil	Voss
Burhyte	Goodspeed	Lowman	Parker F B	Waddell
Caughlan	Graubard	Lupton	Parker J S	Walters
Cheney	Gray	MacGregor	Partridge	Ward
Clarke	Green	Manley	Perkins	Waters
Colné	Gunderman	Marks	Phillips C W	Weaver
Conklin	Hackett	Marlatt	Phillips J S	Weber
Costello	Hammond	Martin	Robinson	Weimert

Cuvillier	Hamn	McCue	Rozan	Wende
De Groot	Hawley	McElligott	Sanner	White L H
Donnelly	Hemenway	McFarlane	Sargent	Whitley
Draper	Herrick	McGrath	Schmidt	Whitney
Duell	Hoey	McInerney	Schutta	Williams
Eagleton	Howard	McKeon	Scott	Wood
Edwards	Jackson	McLaughlin	Shea	Yale
Evans	Jordan	Mead	Smith A E	Young F L

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

The Senate sent for concurrence the following entitled bill:

"An act to provide for the regulation and improvement of the railroad, terminals and approaches thereto, and of the motive power to be used thereon, of the New York Central and Hudson River Railroad Company in the borough of Manhattan, city of New York, and for discontinuing the use by said company of certain streets, avenues, public parks or places in said borough, at grade, and for such purposes to authorize the city of New York to grant real property, rights and privileges to said railroad company and to acquire other real property, rights and privileges from said railroad company" (No. 1066, Rec. No. 398), which was read the first time and referred to the committee on railroads.

By unanimous consent, the following bill was introduced:

Mr. Cuvillier introduced a bill entitled "An act to protect human life and for the preservation of the public highways of the State" (Int. No. 1778), which was read the first time and referred to the committee on codes.

Mr. Speaker, from the committee on rules, to which was referred Assembly bill introduced by Mr. C. F. Brown (No. 2285, Senate reprint No. 1515, Int. No. 1559), entitled "An act to amend the Public Health Law, relative to the practice of pharmacy."

Also, Assembly bill introduced by Mr. Gunderman (No. 2388, Int. No. 1762), entitled "An act to make the office of sheriff of Tompkins county a salaried office, in part, and to regulate the management thereof."

Also, Assembly bill introduced by Mr. Gunderman (No. 2389, Int. No. 1763), entitled "An act to make the office of county clerk of Tompkins county a salaried office and to regulate the management thereof."



Also, Assembly bill introduced by Mr. J. S. Phillips (No. 46, Senate reprint No. 1538, Int. No. 46), entitled "An act in relation to railroads, constituting chapter forty-nine of the Consolidated Laws," reported in favor of the passage of the same without amendment, and that the same be made a special order on third reading immediately, which report was agreed to, and said bills ordered made special orders on third reading immediately.

Mr. Speaker, from the committee on rules, to which was referred Assembly bill introduced by Mr. Reed (No. 509, Int. No. 485), entitled "An act providing for the erection of a new State armory at Auburn, New York, the acquisition of a site for the same, and making an appropriation therefor; and providing for the sale of the old armory site and building, and the application of the proceeds to such new building, and for other purposes relative to the same."

Also, Assembly bill introduced by Mr. Hamn (No. 2370, Int. No. 1718), entitled "An act to amend the Highway Law, by repealing article eleven thereof and inserting a new article eleven, in relation to motor vehicles."

Also, Assembly bill introduced by Mr. McInerney (No. 2336, Int. No. 1099), entitled "An act to amend the Code of Civil Procedure, relative to personal service of summons upon certain unincorporated associations."

Also, Senate bill introduced by Mr. Alt (No. 1362, Rec. No. 268), entitled "An act to amend the Agricultural Law, in relation to skim-milk and skim-cheese."

Also, Senate bill introduced by Mr. Brackett (No. 1438, Rec. No. 347), entitled "An act to amend the Code of Civil Procedure, in relation to the officers of the Court of Claims."

Also, Senate bill introduced by Mr. Brackett (No. 997, Rec. No. 167), entitled "An act to amend section twenty-three of the General Corporation Law, being chapter twenty-three of the Consolidated Laws, in relation to the voting of stock by trustees."

Also, Senate bill introduced by Mr. Davis (No. 1109, Rec. No. 282), entitled "An act to amend the Town Law, generally."

Also, Senate bill introduced by Mr. Alt (No. 1523, Rec. No. 371), entitled "An act to amend the Greater New York charter, in relation to rights of owners of land abutting on aqueduct."

Also, Senate bill introduced by Mr. Gledhill (No. 1210, Rec. No. 339), entitled "An act to amend the Greater New York charter, in relation to the fixing and regulating of the salaries of members of the supervising and teaching staff of the public schools in the city of New York, and to the general school fund."

Also, Senate bill introduced by Mr. Holden (No. 1287, Rec. No. 377), entitled "An act to amend the County Law in regard to the general powers of boards of supervisors."

Also, Senate bill introduced by Mr. Hill (No. 1553, Rec. No. 392), entitled "An act to amend chapter one hundred and ninety-three of the Laws of eighteen hundred and forty-six, entitled 'An act to incorporate the University of Buffalo,' and all acts amendatory thereof."

Also, Senate bill introduced by Mr. Hill (No. 1353, Rec. No. 380), entitled "An act to amend the Banking Law, in relation to investments of capital."

Also, Senate bill introduced by Mr. Hewitt (No. 1081, Rec. No. 198), entitled "An act to amend the Insurance Law in relation to the exception of State or subordinate granges or bodies of Patrons of Husbandry from certain of its provisions."

Also, Senate bill introduced by Mr. Grady (No. 1522, Rec. No. 359), entitled "An act to amend chapter six hundred and sixty-one of the Laws of nineteen hundred and six, entitled 'An act to provide for a better arrangement, indexing and preservation of the records, documents, books, maps and papers, deposited or filed in the office of the clerk of the county of New York.'"

Also, Senate bill introduced by Mr. Rose (No. 875, Rec. No. 161), entitled "An act to amend chapter five hundred and seventy-two of the Laws of nineteen hundred and two, entitled 'An act to revise and amend an act to incorporate the city of Middletown and the acts amendatory thereof,' in relation to a curfew law for such city."

Also, Senate bill introduced by Mr. Rose (No. 1130, Rec. No. 297), entitled "An act to amend the Town Law, in relation to town collectors in the county of Orange."

Also, Senate bill introduced by Mr. Travis (No. 1524, Rec. No. 375), entitled 'An act to amend the Insurance Law, in relation to the insurance of automobiles and other vehicles.'

Also, Senate bill introduced by Mr. Schulz (No. 1311, Rec. No. 381), entitled "An act relating to the filing of data in regard to the water supply of cities of the first class in their water departments, boards or officers and the receipt in evidence of such data."

Also, Senate bill introduced by Mr. Stilwell (No. 1507, Rec. No. 370), entitled "An act to amend chapter four of the Laws of eighteen hundred and ninety-one, entitled 'An act to provide rapid transit railways in cities of over one million inhabitants,' in regard to extensions of such railways."

Also, Senate bill introduced by Mr. Wainwright (No. 1128, Rec. No. 382), entitled 'An act to amend the Poor Law, in relation to the method of determining and raising necessary moneys for the support of the poor in cities.'

Also, Senate bill introduced by Mr. Witter (No. 1448, Rec. No. 355), entitled "An act to amend chapter forty-seven of the Laws of eighteen hundred and sixty-nine, entitled 'An act regulating auction sales in the village of Wellsville,' in relation to transient retail business in such village."

Also, Senate bill introduced by Mr. Wagner (No. 1414, Rec. No. 329), entitled 'An act to confer jurisdiction upon the Court of Claims, to hear, audit and determine the alleged claim of Michael O'Keefe against the State of New York, for damages alleged to have been sustained by him while in the employ of the State, and to render judgment therefor.'

Also, Senate bill introduced by Mr. Wagner (No. 577, Rec. No. 191), entitled 'An act to amend the Negotiable Instruments Law, relating to forged indorsements.'

Also, Senate bill introduced by Mr. Wainwright (No. 1426, Rec. No. 330), entitled "An act to confer certain rights upon the city of Mount Vernon and upon the city of New York, with respect to supplying water to the said city of Mount Vernon and the inhabitants thereof from the water supply of the city of New York, and to confer jurisdiction upon the State Water Supply Commission in respect thereto."

Also, Senate bill introduced by Mr. Frawley (No. 1548, Rec. No. 391), entitled "An act to amend an act entitled 'An act relating to labor,' constituting chapter thirty-one of the Consolidated Laws."



Also, Senate bill introduced by committee on finance (No. 1347, Rec. No. 333), entitled "An act to amend chapter six hundred and seventy of the Laws of nineteen hundred and six, entitled 'An act to establish a new State prison in the eastern part of the State to take the place of Sing Sing prison; to authorize the Governor to appoint a commission to select and purchase a site,' in relation to the erection and completion of such prison, the compensation and expenses of the commissioners and their secretary, and making an additional appropriation therefor."

Also, Senate bill introduced by committee on finance (No. 1348, Rec. No. 342), entitled "An act making appropriations for construction, additions and improvements at the State hospitals for the insane."

Also, Senate bill introduced by committee on finance (No. 1488, Rec. No. 343), entitled "An act providing for the construction of buildings and improvements for the New York Training School for Boys, and making an appropriation therefor."

Also, Senate bill introduced by committee on finance (No. 1300, Rec. No. 344), entitled "An act to amend the Public Health Law, in relation to the quarantine commissioners and the health officer for the port of New York, and repealing certain sections relating to the quarantine commissioners," reported in favor of the passage of the same without amendment, and that the same be made special orders on second and third reading immediately after the consideration of the special orders on third reading heretofore reported, which report was agreed to, and said bills ordered made special orders on second and third reading immediately after the consideration of the special orders on third reading heretofore reported.

The Clerk reported the following bill as correctly printed or engrossed:

"An act to provide for the assessment and collection of deficiencies in amounts heretofore raised by assessment to defray the expense of certain local improvements in the city of Syracuse." (No. 2391, Int. No. 993.)

Mr. Merritt moved a call of the members of the House.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

By direction of the Speaker, the Clerk called the roll, when the following members responded:

Allen	Fellows	Klein	Miller J L	Smith F L
Barden	Filley	Lachman	Miller W G	Smith M
Bates	Foley	Lanahan	Murphy C F	Staley
Baumann	Francis	Lansing	Murphy F J	Stein
Baumes	Friskie	Lazarus	Murray	Stern
Bennett	Garbe	Lee	Neupert	Sullivan
Bohan	Geoghegan	Leffingwell	Nolan	Surpless
Boshart	Gillen	Levy A J	Odell	Thompson
Brady	Glore	Levy J	Oliver	Thorn
Brennan	Glück	Lewis	O'Neil	Toombs
Brown C F	Goldberg	Lowe	Parker F B	Travis
Brown G W	Goodspeed	Lowman	Parker J S	Voss
Burhyte	Graubard	Lupton	Partridge	Waddell
Caughlan	Gray	MacGregor	Perkins	Walters
Cheney	Green	Manley	Phillips C W	Ward
Clarke	Gunderman	Marks	Phillips J S	Waters
Colné	Hackett	Marlatt	Robinson	Weaver
Conklin	Haines	Martin	Rozan	Weber
Costello	Hammond	McCue	Sanner	Weimert
Cuvillier	Hann	McElligott	Sargent	Wende
De Groot	Hawley	McFarlane	Schmidt	White L H
Donnelly	Hemenway	McGrath	Schutta	Whitley
Draper	Herrick	McInerney	Scott	Whitney
Duell	Hoey	McKeon	Shea	Williams
Eagleton	Howard	McLaughlin	Sheridan	Wood
Edwards	Jackson	Mead	Silbermann	Yale
Evans	Jordan	Merritt	Smith A E	Young E
Farrar	Joseph	Millen	Smith C	Young F L
Fay				

Mr. Merritt moved that the House proceed with business during the pendency of the call.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Speaker announced the special order, being the bill (No. 2388), entitled "An act to make the office of sheriff of Tompkins county a salaried office, in part, and to regulate the management thereof." (Int. No. 1762.)

Said bill having been announced for a third reading,

On motion of Mr. Gunderman, said bill was laid aside and ordered stricken from the calendar.

Mr. Speaker announced the special order, being the bill (No. 2389) entitled "An act to make the office of county clerk of Tompkins county a salaried office and to regulate the management thereof." (Int. No. 1763.)

Said bill having been announced for a third reading,

On motion of Mr. Gunderman, said bill was laid aside and ordered stricken from the calendar.

Mr. Speaker announced the special order, being the bill (No. 2285, Senate reprint No. 1515) entitled "An act to amend the Public Health Law, relative to the practice of pharmacy." (Int. No. 1559.)

Mr. Speaker stated the question to be upon concurring in the Senate amendments.

Mr. C. F. Brown moved to concur in the Senate amendments.

Mr. Speaker put the question whether the House would concur in said amendments, said bill having been printed and upon the desk of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 132

NOES 5

Those who voted in the affirmative were:

Allen	Foley	Lansing	Murphy C F	Smith M
Barden	Fowler	Lee	Murphy F J	Spielberg
Bates	Francis	Leffingwell	Murray	Stern
Baumes	Frisbie	Levy A J	Neupert	Sullivan
Bennett	Garbe	Levy J	Nolan	Surpless
Bohan	Geoghegan	Lewis	Odell	Thompson
Boshart	Gillen	Lowe	Oliver	Thorn
Brady	Glück	Lowman	Parker F B	Todd
Brown C F	Goldberg	Lupton	Parker J S	Toombs
Brown G W	Graubard	MacGregor	Partridge	Travis
Burhyte	Gray	Manley	Perkins	Voss
Callan	Green	Marks	Phillips C W	Waddell
Caughlan	Gunderman	Marlatt	Phillips J S	Walters
Cheney	Hackett	Martin	Robinson	Ward
Clarke	Haines	McCue	Rozan	Waters
Colné	Hammond	McElligott	Sanner	Weaver
De Groot	Hamn	McFarlane	Sargent	Weber
Donnelly	Hawley	McGrath	Schmidt	Weimert
Draper	Hemenway	McInerney	Schutta	Wende
Duell	Hoey	McKeon	Scott	White L H
Eagleton	Howard	McLaughlin	Shea	Whitley
Edwards	Jackson	Mead	Sheridan	Whitney
Evans	Jordan	Merritt	Silbermann	Williams
Farrar	Joseph	Millen	Smith A E	Wood
Fay	Klein	Miller J L	Smith C	Yale
Fellows	Lachman	Miller W G	Smith F L	Young E
Filley	Lanahan			

Those who voted in the negative were:

Conklin	Cuvillier	Glore	Goodspeed	O'Neil
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Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendments of the Senate thereto.

Mr. Speaker announced the special order, being the bill (No. 46, Senate reprint No. 1538) entitled "An act in relation to railroads, constituting chapter forty-nine of the Consolidated Laws." (Int. No. 46.)

Mr. Speaker stated the question to be upon concurring in the Senate amendments.

Mr. J. S. Phillips moved to concur in the Senate amendments.

Mr. Speaker put the question whether the House would concur in said amendments, said bill having been printed and upon the desk of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 135

NOES 00

Those who voted in the affirmative were:

Allen	Farrar	Joseph	Merritt	Smith C
Barden	Fay	Klein	Millen	Smith F L
Bates	Filley	Lachman	Miller J L	Smith M
Baumann	Foley	Lanahan	Miller W G	Staley
Baumes	Francis	Lansing	Murphy C F	Stein
Bennett	Friscie	Lazarus	Murphy F J	Stern
Bohan	Garbe	Lee	Murray	Sullivan
Boshart	Geoghegan	Leffingwell	Neupert	Surpluss
Brady	Gillen	Levy A J	Nolan	Thompson
Brennan	Glore	Levy J	Odell	Thorn
Brown C F	Glück	Lewis	Oliver	Travis
Brown G W	Goldberg	Lowe	O'Neil	Voss
Burhyte	Goodspeed	Lowman	Parker F B	Waddell
Caughlan	Graubard	Lupton	Parker J S	Walters
Cheney	Gray	MacGregor	Partridge	Ward
Clarke	Green	Manley	Perkins	Waters
Colné	Gunderman	Marks	Phillips C W	Weaver
Conklin	Hackett	Marlatt	Phillips J S	Weber
Costello	Hammond	Martin	Robinson	Weimert
Cuvillier	Hamn	McCue	Rozan	Wende
De Groot	Hawley	McElligott	Sanner	White L H
Donnelly	Hemenway	McFarlane	Sargent	Whitley
Draper	Herrick	McGrath	Schmidt	Whitney
Duell	Hoey	McInerney	Schutta	Williams
Eagleton	Howard	McKeon	Scott	Wood
Edwards	Jackson	McLaughlin	Shea	Yale
Evans	Jordan	Mead	Smith A E	Young F L

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendments of the Senate thereto.

Mr. Speaker announced the special order, being the Senate bill (No. 1099, Assembly reprint No. 2406) entitled "An act making an appropriation for the purchase of lands for a site or sites for State hospitals for the insane in the southeastern part of the State." (Rec. No. 267.)

On motion of Mr. Merritt, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 135

NOES 00

Those who voted in the affirmative were:

Allen	Farrar	Joseph	Merritt	Smith C
Barden	Fay	Klein	Millen	Smith F L
Bates	Filley	Lachman	Miller J L	Smith M
Baumann	Foley	Lanahan	Miller W G	Staley
Baumes	Francis	Lansing	Murphy C F	Stein
Bennett	Frisbie	Lazarus	Murphy F J	Stern
Bohan	Garbe	Lee	Murray	Sullivan
Boshart	Geoghegan	Leffingwell	Neupert	Surpless
Brady	Gillen	Levy A J	Nolan	Thompson
Brennan	Glore	Levy J	Odell	Thorn
Brown C F	Glück	Lewis	Oliver	Travis
Brown G W	Goldberg	Lowe	O'Neil	Voss
Burhyte	Goodspeed	Lowman	Parker F B	Waddell
Caughlan	Graubard	Lupton	Parker J S	Walters
Cheney	Gray	MacGregor	Partridge	Ward
Clarke	Green	Manley	Perkins	Waters
Colné	Gunderman	Marks	Phillips C W	Weaver
Conklin	Hackett	Marlatt	Phillips J S	Weber
Costello	Hammond	Martin	Robinson	Weimert
Cuvillier	Hamn	McCue	Rozan	Wende
De Groot	Hawley	McElligott	Sanner	White L H
Donnelly	Hemenway	McFarlane	Sargent	Whitley
Draper	Herrick	McGrath	Schmidt	Whitney
Duell	Hoey	McInerney	Schutta	Williams
Eagleton	Howard	McKeon	Scott	Wood
Edwards	Jackson	McLaughlin	Shea	Yale
Evans	Jordan	Mead	Smith A E	Young F L

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same, with amendments.

Mr. Speaker announced the special order, being the Senate bill (No. 924) entitled "An act to amend the Code of Civil Procedure, relative to motions upon pleadings." (Rec. No. 154.)

Said bill having been announced for a second reading, on motion of Mr. Cuvillier, and by unanimous consent, said bill was ordered placed on the second and third reading calendar for Friday next.

Mr. Speaker announced the special order, being the Senate bill (No. 199) entitled "An act to amend the Code of Civil Procedure, as to proceedings after trial of a demurrer." (Rec. No. 153.)

Said bill having been announced for a second reading, on motion of Mr. Cuvillier, and by unanimous consent, said bill was ordered placed on the second and third reading calendar for Friday next.

Mr. Speaker announced the special order, being the Senate bill (No. 1079) entitled "An act to amend the Code of Civil Procedure in relation to appeals to the Court of Appeals." (Rec. No. 214.)

Said bill having been announced for a second reading, on motion of Mr. Cuvillier, and by unanimous consent, said bill was ordered placed on the second and third reading calendar for Friday next.

Mr. Speaker announced the special order, being the bill (No. 2370) entitled "An act to amend the Highway Law, by repealing article eleven thereof and inserting a new article eleven, in relation to motor vehicles." (Int. No. 1718.)

Said bill having been announced, Mr. Hamn moved to amend as follows:

Page 2, in line 14, after the word "devices" insert the words "signaling at crossings;"

Page 2, in line 14, strike out period after the word "signal" and insert semi-colon and add the words "rules of the road."

Page 10, line 25, after the word "devices" insert the words "signaling at crossing;"

Page 10, line 25, strike out period after the word "signal" and insert semi-colon and add the words "rules of the road."

Page 10, line 26, strike out the words "stopping on signal" and insert the words "signaling at crossings."

After line 9, on page 12, insert subdivision 4 to read as follows:

"Subd. 4. Rules of the road.—Whenever a person operating



a motor vehicle shall meet on a public highway any other person riding or driving a horse or horses or other draft animals or any other vehicle, the person so operating such motor vehicle shall seasonably turn the same to the right of the center of such highway so as to pass without interference. Any such person so operating a motor vehicle shall, on overtaking any such horse, draft animal or other vehicle, pass on the left side thereof, and the rider or driver of such horse, draft animal or other vehicle shall, as soon as practicable, turn to the right so as to allow free passage on the left. Any such person so operating a motor vehicle shall, at the intersection of public highways, keep to the right of the intersection of the centers of such highways when turning to the right and pass to the right of such intersection when turning to the left."

Page 12, line 14, strike out period after the word "person" and insert semi-colon, and then add the words "provided that a rate of speed in excess of thirty miles an hour shall be presumptive evidence of reckless driving."

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Said bill, as amended, was then read the second time, and, on motion of Mr. Hamn, was ordered reprinted and placed on the order of third reading.

A message from the Governor was received and read, in words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER.

*To the Legislature:*

It appearing to my satisfaction that the public interest requires it;

Therefore, In accordance with the provisions of section 15 of article 3 of the Constitution, and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Assembly bill No. 2370 (Int. No. 1718), as amended, entitled "An act to amend the Highway Law, by repealing article eleven thereof, and inserting a new article eleven, in relation to motor vehicles."

Given under my hand and the privy seal of the State at the Capitol, in the city of Albany, this twenty-ninth day of April, in the year of our Lord one thousand nine hundred and nine.

CHARLES E. HUGHES.

By the Governor:

ROBERT H. FULLER,

*Secretary to the Governor.*

Debate was had thereon.

Mr. Merritt moved the previous question.

Mr. Speaker put the question, "Shall the main question be now put?" and it was determined in the affirmative.

Said bill was then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, the necessity for the immediate passage of the same having been certified by the Governor, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 116

NOES 21

Those who voted in the affirmative were:

Allen	Fay	Klein	Murphy C F	Smith F L
Bates	Filley	Lachman	Murphy F J	Spielberg
Baumann	Foley	Lanahan	Murray	Staley
Baumes	Frisbie	Lazarus	Neupert	Stern
Bohan	Garbe	Lee	Nolan	Sullivan
Boshart	Geoghegan	Leffingwell	Odell	Surpless
Brennan	Gillen	Levy J	Oliver	Thorn
Brown C F	Glore	Lewis	O'Neil	Todd
Brown G W	Glück	Lowe	Parker F B	Toombs
Burhyte	Goldberg	Lowman	Parker J S	Travis
Callan	Goodspeed	MacGregor	Phillips C W	Voss
Caughlan	Graubard	Manley	Phillips J S	Waddell
Cheney	Green	Marks	Robinson	Ward
Clarke	Hackett	Marlatt	Rozan	Waters
Colné	Haines	McCue	Sanner	Weber
Conklin	Hammond	McElligott	Sargent	Weimert
Costello	Hamn	McInerney	Schmidt	Wende
Cuvillier	Hawley	McLaughlin	Schutta	White L H
De Groot	Herrick	Mead	Scott	Whitley
Donnelly	Hoey	Merritt	Shea	Whitney
Draper	Jackson	Millen	Sheridan	Wood
Duell	Jordan	Miller J L	Smith A E	Yale
Eagleton	Joseph	Miller W G	Smith C	Young F L
Edwards				

Those who voted in the negative were:

Barden	Francis	Lupton	McKeon	Thompson
Bennett	Gray	Martin	Partridge	Walters
Evans	Howard	McFarlane	Perkins	Williams
Farrar	Lansing	McGrath	Smith M	Young E
Fellows				

Ordered, That the Clerk engross said bill and deliver the same to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 2336) entitled "An act to amend Code of Civil Procedure, relative

to personal service of summons upon certain unincorporated associations." (Int. No. 1099.)

On motion of Mr. McInerney, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 135

NOES 00

Those who voted in the affirmative were:

Allen	Farrar	Joseph	Merritt	Smith C
Barden	Fay	Klein	Millen	Smith F L
Bates	Filley	Lachman	Miller J L	Smith M
Baumann	Foley	Lanahan	Miller W G	Staley
Baumes	Francis	Lansing	Murphy C F	Stein
Bennett	Frisbie	Lazarus	Murphy F J	Stern
Bohan	Garbe	Lee	Murray	Sullivan
Boshart	Geoghegan	Leffingwell	Neupert	Surpless
Brady	Gillen	Levy A J	Nolan	Thompson
Brennan	Glore	Levy J	Odell	Thorn
Brown C F	Glück	Lewis	Oliver	Travis
Brown G W	Goldberg	Lowe	O'Neil	Voss
Burhyte	Goodspeed	Lowman	Parker F B	Waddell
Caughlan	Graubard	Lupton	Parker J S	Walters
Cheney	Gray	MacGregor	Partridge	Ward
Clarke	Green	Manley	Perkins	Waters
Colné	Gunderman	Marks	Phillips C W	Weaver
Conklin	Hackett	Marlatt	Phillips J S	Weber
Costello	Hammond	Martin	Robinson	Weimert
Cuvillier	Hamn	McCue	Rozan	Wende
De Groot	Hawley	McElligott	Sanner	White L H
Donnelly	Hemenway	McFarlane	Sargent	Whitley
Draper	Herrick	McGrath	Schmidt	Whitney
Duell	Hoey	McInerney	Schutta	Williams
Eagleton	Howard	McKeon	Scott	Wood
Edwards	Jackson	McLaughlin	Shea	Yale
Evans	Jordan	Mead	Smith A E	Young F L

Ordered, That the Clerk engross said bill and deliver the same to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 509) entitled "An act providing for the erection of a new State Armory at Auburn, New York, the acquisition of a site for the same, and making an appropriation therefor; and providing for



the sale of the old armory site and building, and the application of the proceeds to such new building, and for other purposes relative to the same." (Int. No. 485.)

On motion of Mr. Reed, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 135

NOES 00

Those who voted in the affirmative were:

Allen	Farrar	Joseph	Merritt	Smith C
Barden	Fay	Klein	Millen	Smith F L
Bates	Filley	Lachman	Miller J L	Smith M
Baumann	Foley	Lanahan	Miller W G	Staley
Baumes	Francis	Lansing	Murphy C F	Stein
Bennett	Frisbie	Lazarus	Murphy F J	Stern
Bohan	Garbe	Lee	Murray	Sullivan
Boshart	Geoghegan	Leffingwell	Neupert	Surpless
Brady	Gillen	Levy A J	Nolan	Thompson
Brennan	Glore	Levy J	Odell	Thorn
Brown C F	Glück	Lewis	Oliver	Travis
Brown G W	Goldberg	Lowe	O'Neil	Voss
Burhyte	Goodspeed	Lowman	Parker F B	Waddell
Caughlan	Graubard	Lupton	Parker J S	Walters
Cheney	Gray	MacGregor	Partridge	Ward
Clarke	Green	Manley	Perkins	Waters
Colné	Gunderman	Marks	Phillips C W	Weaver
Conklin	Hackett	Marlatt	Phillips J S	Weber
Costello	Hammond	Martin	Robinson	Weimert
Cuvillier	Hamm	McCue	Rozan	Wende
De Groot	Hawley	McElligott	Sanner	White L H
Donnelly	Hemenway	McFarlane	Sargent	Whitley
Draper	Herrick	McGrath	Schmidt	Whitney
Duell	Hoey	McInerney	Schutta	Williams
Eagleton	Howard	McKeon	Scott	Wood
Edwards	Jackson	McLaughlin	Shea	Yale
Evans	Jordan	Mead	Smith A E	Young F L

Ordered, That the Clerk engross said bill and deliver the same to the Senate and request their concurrence therein.

Mr. A. E. Smith in the chair.

Mr. Speaker announced the special order, being the Senate bill (No. 1362) entitled "An act to amend the Agricultural Law, in relation to skim-milk and skim-cheese." (Rec. No. 268.)

On motion of Mr. Glore, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the negative, a majority of all the members elected to the Assembly not voting in favor thereof, and three-fifths being present.

AYES 68

NOES 65

Those who voted in the affirmative were:

Barden	Farrar	Jackson	Neupert	Stern
Baumann	Fay	Joseph	Oliver	Surpluss
Bohan	Foley	Klein	O'Neil	Thompson
Brennan	Garbe	Lachman	Parker F B	Thorn
Brown G W	Geoghegan	Lanahan	Partridge	Todd
Caughlan	Gillen	Lazarus	Robinson	Toombs
Clarke	Glore	Lee	Sanner	Voss
Colné	Goldberg	Levy A J	Sargent	Walters
Conklin	Goodspeed	Marks	Schmidt	Ward
Costello	Graubard	McCue	Sheridan	Weber
Cuvillier	Hackett	McInerney	Silbermann	Wende
De Groot	Hammond	McLaughlin	Smith A E	Whitley
Donnelly	Hawley	Miller W G	Stein	Wood
Eagleton	Herrick	Murphy C F		

Those who voted in the negative were:

Allen	Evans	Lansing	Millen	Smith F L
Bates	Fellows	Leffingwell	Miller J L	Smith M
Baumes	Filley	Levy J	Nolan	Spielberg
Bennett	Fowler	Lewis	Odell	Sullivan
Boshart	Francis	Lowman	Parker J S	Waters
Brady	Frisbie	Manley	Perkins	Weaver
Brown C F	Glück	Marlatt	Phillips C W	Weimert
Burhyte	Gunderman	Martin	Phillips J S	White L H
Callan	Hamn	McElligott	Rozan	Whitney
Cheney	Hemenway	McFarlane	Schutta	Williams
Draper	Hoey	McGrath	Scott	Yale
Duell	Howard	Mead	Shea	Young E
Edwards	Jordan	Merritt	Smith C	Young F L

Mr. Glore moved to reconsider the vote by which said bill was lost, and that said motion lie on the table.

Mr. Speaker put the question whether the House would agree to said motion, and it was decided in the affirmative.

Mr. Speaker announced the special order, being the Senate bill (No. 1438), entitled "An act to amend the Code of Civil Procedure, in relation to the officers of the Court of Claims." (Rec. No. 347.)

On motion of Mr. Merritt, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 138

NOES 00

Those who voted in the affirmative were:

Allen	Filley	Lachman	Murphy C F	Smith M
Barden	Foley	Lanahan	Murphy F J	Spielberg
Bates	Fowler	Lansing	Murray	Stern
Baumes	Francis	Lee	Neupert	Sullivan
Bennett	Frisbie	Leffingwell	Nolan	Surpless
Bohan	Garbe	Levy A J	Odell	Thompson
Boshart	Geoghegan	Levy J	Oliver	Thorn
Brady	Gillen	Lewis	O'Neil	Todd
Brown C F	Glore	Lowe	Parker F B	Toombs
Brown G W	Glück	Lowman	Parker J S	Travis
Burhyte	Goldberg	Lupton	Partridge	Voss
Callan	Goodspeed	MacGregor	Perkins	Waddell
Caughlan	Graubard	Manley	Phillips C W	Walters
Cheney	Gray	Marks	Phillips J S	Ward
Clarke	Green	Marlatt	Robinson	Waters
Colné	Gunderman	Martin	Rozan	Weaver
Conklin	Hackett	McCue	Sanner	Weber
Cuvillier	Haines	McElligott	Sargent	Weimert
De Groot	Hammond	McFarlane	Schmidt	Wende
Donnelly	Hamm	McGrath	Schutta	White I. H
Draper	Hawley	McInerney	Scott	Whitley
Duell	Hemenway	McKeon	Shea	Whitney
Eagleton	Hoey	McLaughlin	Sheridan	Williams
Edwards	Howard	Mead	Silbermann	Wood
Evans	Jackson	Merritt	Smith A E	Yale
Farrar	Jordan	Millen	Smith C	Young E
Fay	Joseph	Miller J L	Smith F L	Young F L
Fellows	Klein	Miller W G		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 997) entitled "An act to amend section twenty-three of the General Corporation Law, being chapter twenty-three of the Consolidated Laws, in relation to the voting of stock by trustees." (Rec. No. 167).



On motion of Mr. Whitney, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 135

NOES 00

Those who voted in the affirmative were:

Allen	Farrar	Joseph	Merritt	Smith C
Barden	Fay	Klein	Millen	Smith F L
Bates	Filley	Lachman	Miller J L	Smith M
Baumann	Foley	Lanahan	Miller W G	Staley
Baumes	Francis	Lansing	Murphy C F	Stein
Bennett	Frisbie	Lazarus	Murphy F J	Stern
Bohan	Garbe	Lee	Murray	Sullivan
Boshart	Geoghegan	Leffingwell	Neupert	Surpless
Brady	Gillen	Levy A J	Nolan	Thompson
Brennan	Glore	Levy J	Odell	Thorn
Brown C F	Glück	Lewis	Oliver	Travis
Brown G W	Goldberg	Lowe	O'Neil	Voss
Burhyte	Goodspeed	Lowman	Parker F B	Waddell
Caughlan	Graubard	Lupton	Parker J S	Walters
Cheney	Gray	MacGregor	Partridge	Ward
Clarke	Green	Manley	Perkins	Waters
Colné	Gunderman	Marks	Phillips C W	Weaver
Conklin	Hackett	Marlatt	Phillips J S	Weber
Costello	Hammond	Martin	Robinson	Weimert
Cuvillier	Hamn	McCue	Rozan	Wende
De Groot	Hawley	McElligott	Sanner	White L H
Donnelly	Hemenway	McFarlane	Sargent	Whitley
Draper	Herrick	McGrath	Schmidt	Whitney
Duell	Hoey	McInerney	Schutta	Williams
Eagleton	Howard	McKeon	Scott	Wood
Edwards	Jackson	McLaughlin	Shea	Yale
Evans	Jordan	Mead	Smith A E	Young F L

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1109) entitled "An act to amend the Town Law, generally." (Rec. No. 282.)

On motion of Mr. Whitney, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 135

NOES 00

Those who voted in the affirmative were:

Allen	Farrar	Joseph	Merritt	Smith C
Barden	Fay	Klein	Millen	Smith F L
Bates	Filley	Lachman	Miller J L	Smith M
Baumann	Foley	Lanahan	Miller W G	Staley
Baumes	Francis	Lansing	Murphy C F	Stein
Bennett	Frisbie	Lazarus	Murphy F J	Stern
Bohan	Garbe	Lee	Murray	Sullivan
Boshart	Geoghegan	Leffingwell	Neupert	Surpless
Brady	Gillen	Levy A J	Nolan	Thompson
Brennan	Glore	Levy J	Odell	Thorn
Brown C F	Glück	Lewis	Oliver	Travis
Brown G W	Goldberg	Lowe	O'Neil	Voss
Burhyte	Goodspeed	Lowman	Parker F B	Waddell
Caughlan	Graubard	Lupton	Parker J S	Walters
Cheney	Gray	MacGregor	Partridge	Ward
Clarke	Green	Manley	Perkins	Waters
Colné	Gunderman	Marks	Phillips C W	Weaver
Conklin	Hackett	Marlatt	Phillips J S	Weber
Costello	Hammond	Martin	Robinson	Weimert
Cuvillier	Hamm	McCue	Rozan	Wende
De Groot	Hawley	McElligott	Sanner	White L H
Donnelly	Hemenway	McFarlane	Sargent	Whitley
Draper	Herrick	McGrath	Schmidt	Whitney
Duell	Hoey	McInerney	Schutta	Williams
Eagleton	Howard	McKeon	Scott	Wood
Edwards	Jackson	McLaughlin	Shea	Yale
Evans	Jordan	Mead	Smith A E	Young F L

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1523) entitled "An act to amend the Greater New York charter, in relation to rights of owners of land abutting on aqueduct." (Rec. No. 371.)

On motion of Mr. Haines, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed

and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 135

NOES 00

Those who voted in the affirmative were:

Allen	Farrar	Joseph	Merritt	Smith C
Barden	Fay	Klein	Millen	Smith F L
Bates	Filley	Lachman	Miller J L	Smith M
Baumann	Foley	Lanahan	Miller W G	Staley
Baumes	Francis	Lansing	Murphy C F	Stein
Bennett	Frisbie	Lazarus	Murphy F J	Stern
Bohan	Garbe	Lee	Murray	Sullivan
Boshart	Geoghegan	Leffingwell	Neupert	Surpless
Brady	Gillen	Levy A J	Nolan	Thompson
Brennan	Glore	Levy J	Odell	Thorn
Brown C F	Glück	Lewis	Oliver	Travis
Brown G W	Goldberg	Lowe	O'Neil	Voss
Burhyte	Goodspeed	Lowman	Parker F B	Waddell
Caughlan	Graubard	Lupton	Parker J S	Walters
Cheney	Gray	MacGregor	Partridge	Ward
Clarke	Green	Manley	Perkins	Waters
Colné	Gunderman	Marks	Phillips C W	Weaver
Conklin	Hackett	Marlatt	Phillips J S	Weber
Costello	Hammond	Martin	Robinson	Weimert
Cuvillier	Hamn	McCue	Rozan	Wende
De Groot	Hawley	McElligott	Sanner	White L H
Donnelly	Hemenway	McFarlane	Sargent	Whitley
Draper	Herrick	McGrath	Schmidt	Whitney
Duell	Hoey	McInerney	Schutta	Williams
Eagleton	Howard	McKeon	Scott	Wood
Edwards	Jackson	McLaughlin	Shea	Yale
Evans	Jordan	Mead	Smith A E	Young F L

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker in the chair.

Mr. Speaker announced the special order, being the Senate bill (No. 1210) entitled "An act to amend the Greater New York charter, in relation to the fixing and regulating of the salaries of members of the supervising and teaching staff of the public schools in the city of New York, and to the general school fund." (Rec. No. 339.)

Said bill having been announced, Mr. Clarke moved to amend as follows:



Page 11, line 8, strike out the word "twelve (12)" and insert the word "ten (10)".

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative.

Said bill having been announced, Mr. Sheridan moved to amend as follows:

On page 12, line 19, change word "ten" to "eleven".

Debate was had thereon.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative.

On motion of Mr. A. E. Smith, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 126

NOES 14

Those who voted in the affirmative were:

Allen	Foley	Klein	Miller J L	Stein
Barden	Fowler	Lachman	Murphy F J	Stern
Baumann	Francis	Lanahan	Neupert	Sullivan
Baumes	Frisbie	Lazarus	Nolan	Surpless
Bohan	Garbe	Leffingwell	Odell	Thompson
Brady	Geoghegan	Levy A J	Oliver	Thorn
Brennan	Gillen	Levy J	O'Neil	Todd
Brown C F	Glore	Lewis	Parker F B	Toombs
Brown G W	Glück	Lowe	Parker J S	Travis
Callan	Goldberg	Lowman	Partridge	Voss
Caughlan	Graubard	Lupton	Perkins	Waddell
Cheney	Gray	MacGregor	Phillips C W	Walters
Clarke	Gunderman	Manley	Phillips J S	Ward
Conklin	Hackett	Marlatt	Rozan	Waters
Costello	Haines	Martin	Sanner	Weaver
Cuvillier	Hammond	McCue	Schmidt	Weber
De Groot	Hamn	McElligott	Schutta	Weimert
Donnelly	Hawley	McFarlane	Scott	Wende
Draper	Hemenway	McGrath	Shea	White L H
Duell	Herrick	McInerney	Smith A E	Whitney
Eagleton	Hoey	McKeon	Smith C	Williams
Edwards	Howard	McLaughlin	Smith F L	Wood
Farrar	Jackson	Mead	Smith M	Yale
Fay	Jordan	Merritt	Spielberg	Young E
Fellows	Joseph	Millen	Staley	Young F L
Filley				

Those who voted in the negative were:

Bates	Colné	Lee	Murray	Sheridan
Bennett	Goodspeed	Marks	Robinson	Whitley
Burhyte	Lansing	Murphy C F	Sargent	

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1287) entitled "An act to amend the County Law in regard to the general powers of boards of supervisors." (Rec. No. 377.)

On motion of Mr. Walters, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 143

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Klein	Miller W G	Smith M
Barden	Fellows	Lachman	Murphy C F	Spielberg
Bates	Filley	Lanahan	Murphy F J	Stein
Baumann	Foley	Lansing	Murray	Stern
Baumes	Fowler	Lazarus	Neupert	Sullivan
Bennett	Francis	Lee	Nolan	Surpass
Bohan	Frisbie	Leffingwell	Odell	Thompson
Boshart	Garbe	Levy A J	Oliver	Thorn
Brady	Geoghegan	Levy J	O'Neil	Todd
Brennan	Gillen	Lewis	Parker F B	Toombs
Brown C F	Glore	Lowe	Parker J S	Travis
Brown G W	Glück	Lowman	Partridge	Voss
Burhyte	Goldberg	Lupton	Perkins	Waddell
Callan	Goodspeed	MacGregor	Phillips C W	Walters
Caughlan	Graubard	Manley	Phillips J S	Ward
Cheney	Gray	Marks	Robinson	Waters
Clarke	Green	Marlatt	Rozan	Weaver
Colné	Gunderman	Martin	Sanner	Weber
Conklin	Hackett	McCue	Sargent	Weimert
Costello	Haines	McElligott	Schmidt	Wende
Cuvillier	Hammond	McFarlane	Schutta	White L H
De Groot	Hann	McGrath	Scott	Whitley
Donnelly	Hawley	McInerney	Shea	Whitney
Draper	Hemenway	McKeon	Sheridan	Williams
Duell	Hoey	McLaughlin	Silbermann	Wood
Eagleton	Howard	Mead	Smith A E	Yale
Edwards	Jackson	Merritt	Smith C	Young E
Evans	Jordan	Millen	Smith F L	Young F L
Farrar	Joseph	Miller J L		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1553) entitled "An act to amend chapter one hundred and ninety-three of the Laws of eighteen hundred and forty-six, entitled 'An act to incorporate the University of Buffalo,' and all acts amendatory thereof." (Rec. No. 392.)

On motion of Mr. MacGregor, said bill was read the second time and ordered to a third reading.

A message from the Governor was received and read, in words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER.

*To the Legislature:*

It appearing to my satisfaction that the public interest requires it;

Therefore, In accordance with the provisions of section 15 of article 3 of the Constitution and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Senate bill No. 1553 (Int. No. 981), entitled "An act to amend chapter one hundred and ninety-three of the Laws of eighteen hundred and forty-six, entitled 'An act to incorporate the University of Buffalo,' and all acts amendatory thereof."

Given under my hand and the privy seal of the State at the Capitol, in the city of Albany, this twenty-eighth day of April, in the year of our Lord one thousand nine hundred and nine.

(Signed.) CHARLES E. HUGHES.

By the Governor:

ROBERT H. FULLER,

*Secretary to the Governor.*

Said bill was then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, the necessity for the immediate passage of the same having been certified by the Governor, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.



AYES 143

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Klein	Miller W G	Smith M
Barden	Fellows	Lachman	Murphy C F	Spielberg
Bates	Filley	Lanahan	Murphy F J	Stein
Baumann	Foley	Lansing	Murray	Stern
Baumes	Fowler	Lazarus	Neupert	Sullivan
Bennett	Francis	Lee	Nolan	Surpless
Bohan	Frisbie	Leffingwell	Odell	Thompson
Boshart	Garbe	Levy A J	Oliver	Thorn
Brady	Geoghegan	Levy J	O'Neil	Todd
Brennan	Gillen	Lewis	Parker F B	Toombs
Brown C F	Glore	Lowe	Parker J S	Travis
Brown G W	Glück	Lowman	Partridge	Voss
Burhyte	Goldberg	Lupton	Perkins	Waddell
Callan	Goodspeed	MacGregor	Phillips C W	Walters
Caughlan	Graubard	Manley	Phillips J S	Ward
Cheney	Gray	Marks	Robinson	Waters
Clarke	Green	Marlatt	Rozan	Weaver
Colné	Gunderman	Martin	Sanner	Weber
Conklin	Hackett	McCue	Sargent	Weimert
Costello	Haines	McElligott	Schmidt	Wende
Cuvillier	Hammond	McFarlane	Schutta	White L H
De Groot	Hamm	McGrath	Scott	Whitley
Donnelly	Hawley	McInerney	Shea	Whitney
Draper	Hemenway	McKeon	Sheridan	Williams
Duell	Hoey	McLaughlin	Silbermann	Wood
Eagleton	Howard	Mead	Smith A E	Yale
Edwards	Jackson	Merritt	Smith C	Young E
Evans	Jordan	Millen	Smith F L	Young F L
Farrar	Joseph	Miller J L		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1353) entitled "An act to amend the Banking Law, in relation to investments of capital." (Rec. No. 380.)

On motion of Mr. Francis, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 143

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Klein	Miller W G	Smith M
Barden	Fellows	Lachman	Murphy C F	Spielberg
Bates	Filley	Lanahan	Murphy F J	Stein
Baumann	Foley	Lansing	Murray	Stern
Baumes	Fowler	Lazarus	Neupert	Sullivan
Bennett	Francis	Lee	Nolan	Surpless
Bohan	Frisbie	Leffingwell	Odell	Thompson
Boshart	Garbe	Levy A J	Oliver	Thorn
Brady	Geoghegan	Levy J	O'Neil	Todd
Brennan	Gillen	Lewis	Parker F B	Toombs
Brown C F	Glore	Lowe	Parker J S	Travis
Brown G W	Glück	Lowman	Partridge	Voss
Burhyte	Goldberg	Lupton	Perkins	Waddell
Callan	Goodspeed	MacGregor	Phillips C W	Walters
Caughlan	Graubard	Manley	Phillips J S	Ward
Cheney	Gray	Marks	Robinson	Waters
Clarke	Green	Marlatt	Rozan	Weaver
Colné	Gunderman	Martin	Sanner	Weber
Conklin	Hackett	McCue	Sargent	Weimert
Costello	Haines	McElligott	Schmidt	White E H
Cuvillier	Hammond	McFarlane	Schutta	White L H
De Groot	Hamn	McGrath	Scott	Whitley
Donnelly	Hawley	McInerney	Shea	Whitney
Draper	Hemenway	McKeon	Sheridan	Williams
Duell	Hoey	McLaughlin	Silbermann	Wood
Eagleton	Howard	Mead	Smith A E	Yale
Edwards	Jackson	Merritt	Smith C	Young E
Evans	Jordan	Millen	Smith F L	Young F L
Farrar	Joseph	Miller J L		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1081) entitled "An act to amend the Insurance Law in relation to the exception of State or subordinate granges or bodies of Patrons of Husbandry from certain of its provisions." (Rec. No. 198.)

On motion of Mr. Boshart, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 135

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Klein	Millen	Smith F L
Barden	Filey	Lachman	Miller J L	Smith M
Bates	Foley	Lanahan	Miller W G	Spielberg
Baumann	Francis	Lansing	Murphy C F	Staley
Baumes	Frisbie	Lazarus	Murphy F J	Stein
Bennett	Garbe	Lee	Murray	Stern
Bohan	Geoghegan	Leffingwell	Neupert	Sullivan
Boshart	Gillen	Levy A J	Nolan	Surpluss
Brady	Glore	Levy J	Odell	Thompson
Brennan	Glück	Lewis	Oliver	Thorn
Brown C F	Goldberg	Lowe	O'Neil	Travis
Burhyte	Goodspeed	Lowman	Parker F B	Voss
Caughlan	Graubard	Lupton	Parker J S	Waddell
Cheney	Gray	MacGregor	Partridge	Walters
Clarke	Green	Manley	Perkins	Ward
Colné	Gunderman	Marks	Phillips C W	Waters
Conklin	Hackett	Marlatt	Phillips J S	Weaver
Costello	Hammond	Martin	Robinson	Weber
Cuvillier	Hamn	McCue	Rozan	Weimert
De Groot	Hawley	McElligott	Sanner	Wende
Donnelly	Hemenway	McFarlane	Sargent	White L H
Draper	Herrick	McGrath	Schmidt	Whitley
Duell	Hoey	McInerney	Schutta	Whitney
Eagleton	Howard	McKeon	Scott	Williams
Edwards	Jackson	McLaughlin	Shea	Wood
Evans	Jordan	Mead	Smith A E	Yale
Farrar	Joseph	Merritt	Smith C	Young F L

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1522) entitled "An act to amend chapter six hundred and sixty-one of the Laws of nineteen hundred and six, entitled 'An act to provide for a better arrangement, indexing and preservation of the records, documents, books, maps and papers, deposited or filed in the office of the clerk of the county of New York.'" (Rec. No. 359.)

On motion of Mr. A. E. Smith, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.



AYES 143

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Klein	Miller W G	Smith M
Barden	Fellows	Lachman	Murphy C F	Spielberg
Bates	Filley	Lanahan	Murphy F J	Stein
Baumann	Foley	Lansing	Murray	Stern
Baumes	Fowler	Lazarus	Neupert	Sullivan
Bennett	Francis	Lee	Nolan	Surpless
Bohan	Frisbie	Leffingwell	Odell	Thompson
Boshart	Garbe	Levy A J	Oliver	Thorn
Brady	Geoghegan	Levy J	O'Neil	Todd
Brennan	Gillen	Lewis	Parker F B	Toombs
Brown C F	Glore	Lowe	Parker J S	Travis
Brown G W	Glück	Lowman	Partridge	Voss
Burhyte	Goldberg	Lupton	Perkins	Waddell
Callan	Goodspeed	MacGregor	Phillips C W	Walters
Caughlan	Graubard	Manley	Phillips J S	Ward
Cheney	Gray	Marks	Robinson	Waters
Clarke	Green	Marlatt	Rozan	Weaver
Colne	Gunderman	Martin	Sanner	Weber
Conklin	Hackett	McCue	Sargent	Weimert
Costello	Haines	McElligott	Schmidt	Wende
Cuvillier	Hammond	McFarlane	Schutta	White L H
De Groot	Hamn	McGrath	Scott	Whitley
Donnelly	Hawley	McInerney	Shea	Whitney
Draper	Hemenway	McKeon	Sheridan	Williams
Duell	Hoey	McLaughlin	Silbermann	Wood
Eagleton	Howard	Mead	Smith A E	Yale
Edwards	Jackson	Merritt	Smith C	Young E
Evans	Jordan	Millen	Smith F L	Young F L
Farrar	Joseph	Miller J L		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 875) entitled "An act to amend chapter five hundred and seventy-two of the Laws of nineteen hundred and two, entitled 'An act to revise and amend an act to incorporate the city of Middletown and the acts amendatory thereof,' in relation to a curfew law for such city." (Rec. No. 161.)

On motion of Mr. Leffingwell, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the

affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 135

NOES 00

Those who voted in the affirmative were:

Allen	Farrar	Joseph	Merritt	Smith C
Barden	Fay	Klein	Millen	Smith F L
Bates	Filey	Lachman	Miller J L	Smith M
Baumann	Foley	Lanahan	Miller W G	Staley
Baumes	Francis	Lansing	Murphy C F	Stein
Bennett	Frisbie	Lazarus	Murphy F J	Stern
Bohan	Garbe	Lee	Murray	Sullivan
Boshart	Geoghegan	Leffingwell	Neupert	Surpluss
Brady	Gillen	Levy A J	Nolan	Thompson
Brennan	Glore	Levy J	Odell	Thorn
Brown C F	Glück	Lewis	Oliver	Travis
Brown G W	Goldberg	Lowe	O'Neil	Voss
Burhyte	Goodspeed	Lowman	Parker F B	Waddell
Caughlan	Graubard	Lupton	Parker J S	Walters
Cheney	Gray	MacGregor	Partridge	Ward
Clarke	Green	Manley	Perkins	Waters
Colné	Gunderman	Marks	Phillips C W	Weaver
Conklin	Hackett	Marlatt	Phillips J S	Weber
Costello	Hammond	Martin	Robinson	Weimert
Cuvillier	Hamn	McCue	Rozan	Wende
De Groot	Hawley	McElligott	Sanner	White L H
Donnelly	Hemenway	McFarlane	Sargent	Whitley
Draper	Herrick	McGrath	Schmidt	Whitney
Duell	Hoey	McInerney	Schutta	Williams
Eagleton	Howard	McKeon	Scott	Wood
Edwards	Jackson	McLaughlin	Shea	Yale
Evans	Jordan	Mead	Smith A E	Young F L

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1130) entitled "An act to amend the Town Law in relation to town collectors in the county of Orange." (Rec. No. 297.)

On motion of Mr. Leffingwell, the bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 135

NOES 00

Those who voted in the affirmative were:

Allen	Farrar	Joseph	Merritt	Smith C
Barden	Fay	Klein	Millen	Smith F L
Bates	Filley	Lachman	Miller J L	Smith M
Baumann	Foley	Lanahan	Miller W G	Staley
Baumes	Francis	Lansing	Murphy C F	Stein
Bennett	Frisbie	Lazarus	Murphy F J	Stern
Bohan	Garbe	Lee	Murray	Sullivan
Boshart	Geoghegan	Leffingwell	Neupert	Surpless
Brady	Gillen	Levy A J	Nolan	Thompson
Brennan	Glore	Levy J	Odell	Thorn
Brown C F	Glück	Lewis	Oliver	Travis
Brown G W	Goldberg	Lowe	O'Neil	Voss
Burhyte	Goodspeed	Lowman	Parker F B	Waddell
Caughlan	Graubard	Lupton	Parker J S	Walters
Cheney	Gray	MacGregor	Partridge	Ward
Clarke	Green	Manley	Perkins	Waters
Colné	Gunderman	Marks	Phillips C W	Weaver
Conklin	Hackett	Marlatt	Phillips J S	Weber
Costello	Hammond	Martin	Robinson	Weimert
Cuvillier	Hamn	McCue	Rozan	Wende
De Groot	Hawley	McElligott	Sanner	White L H
Donnelly	Hemenway	McFarlane	Sargent	Whitley
Draper	Herrick	McGrath	Schmidt	Whitney
Duell	Hoey	McInerney	Schutta	Williams
Eagleton	Howard	McKeon	Scott	Wood
Edwards	Jackson	McLaughlin	Shea	Yale
Evans	Jordan	Mead	Smith A E	Young F L

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1524) entitled "An act to amend the Insurance Law, in relation to the insurance of automobiles and other vehicles." (Rec. No. 375.)

On motion of Mr. Hamn, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.



AYES 143

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Klein	Miller W G	Smith M
Barden	Fellows	Lachman	Murphy C F	Spielberg
Bates	Filley	Lanahan	Murphy F J	Stein
Baumann	Foley	Lansing	Murray	Stern
Baumes	Fowler	Lazarus	Neupert	Sullivan
Bennett	Francis	Lee	Nolan	Surpluss
Bohan	Frisbie	Leffingwell	Odell	Thompson
Boshart	Garbe	Levy A J	Oliver	Thorn
Brady	Geoghegan	Levy J	O'Neil	Todd
Brennan	Gillen	Lewis	Parker F B	Toombs
Brown C F	Glore	Lowe	Parker J S	Travis
Brown G W	Glück	Lowman	Partridge	Voss
Burhyte	Goldberg	Lupton	Perkins	Waddell
Callan	Goodspeed	MacGregor	Phillips C W	Walters
Caughlan	Graubard	Manley	Phillips J S	Ward
Cheney	Gray	Marks	Robinson	Waters
Clarke	Green	Marlatt	Rozan	Weaver
Colné	Gunderman	Martin	Sanner	Weber
Conklin	Hackett	McCue	Sargent	Weimert
Costello	Haines	McElligott	Schmidt	Wende
Cuvillier	Hammond	McFarlane	Schutta	White L H
De Groot	Hamn	McGrath	Scott	Whitley
Donnelly	Hawley	McInerney	Shea	Whitney
Draper	Hemenway	McKeon	Sheridan	Williams
Duell	Hoey	McLaughlin	Silbermann	Wood
Eagleton	Howard	Mead	Smith A E	Yale
Edwards	Jackson	Merritt	Smith C	Young E
Evans	Jordan	Millen	Smith F L	Young F L
Farrar	Joseph	Miller J L		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1311) entitled "An act relating to the filing of data in regard to the water supply of cities of the first class in their water departments, boards or officers and the receipt of evidence of such data." (Rec. No. 381.)

On motion of Mr. Robinson, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 135

NOES 00

Those who voted in the affirmative were:

Allen	Farrar	Joseph	Merritt	Smith C
Barden	Fay	Klein	Millen	Smith F L
Bates	Filley	Lachman	Miller J L	Smith M
Baumann	Foley	Lanahan	Miller W G	Staley
Baumes	Francis	Lansing	Murphy C F	Stein
Bennett	Frisbie	Lazarus	Murphy F J	Stern
Bohan	Garbe	Lee	Murray	Sullivan
Boshart	Geoghegan	Leffingwell	Neupert	Surpless
Brady	Gillen	Levy A J	Nolan	Thompson
Brennan	Glore	Levy J	Odell	Thorn
Brown C F	Glück	Lewis	Oliver	Travis
Brown G W	Goldberg	Lowe	O'Neil	Voss
Burhyte	Goodspeed	Lowman	Parker F B	Waddell
Caughlan	Graubard	Lupton	Parker J S	Walters
Cheney	Gray	MacGregor	Partridge	Ward
Clarke	Green	Manley	Perkins	Waters
Colné	Gunderman	Marks	Phillips C W	Weaver
Conklin	Hackett	Marlatt	Phillips J S	Weber
Costello	Hammond	Martin	Robinson	Weimert
Cuvillier	Hamn	McCue	Rozan	Wende
De Groot	Hawley	McElligott	Sanner	White L H
Donnelly	Hemenway	McFarlane	Sargent	Whitley
Draper	Herrick	McGrath	Schmidt	Whitney
Duell	Hoey	McInerney	Schutta	Williams
Eagleton	Howard	McKeon	Scott	Wood
Edwards	Jackson	McLaughlin	Shea	Yale
Evans	Jordan	Mead	Smith A E	Young F L

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1507) entitled "An act to amend chapter four of the Laws of eighteen hundred and ninety-one, entitled 'An act to provide rapid transit railways in cities of over one million inhabitants,' in regard to extensions of such railways." (Rec. No. 370.)

On motion of Mr. Robinson, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 135

NOES 00

Those who voted in the affirmative were:

Allen	Farrar	Joseph	Merritt	Smith C
Barden	Fay	Klein	Millen	Smith F L
Bates	Filley	Lachman	Miller J L	Smith M
Baumann	Foley	Lanahan	Miller W G	Staley
Baumes	Francis	Lansing	Murphy C F	Stein
Bennett	Frisbie	Lazarus	Murphy F J	Stern
Bohan	Garbe	Lee	Murray	Sullivan
Boshart	Geoghegan	Leffingwell	Neupert	Surpless
Brady	Gillen	Levy A J	Nolan	Thompson
Brennan	Glore	Levy J	Odell	Thorn
Brown C F	Glück	Lewis	Oliver	Travis
Brown G W	Goldberg	Lowe	O'Neil	Voss
Burhyte	Goodspeed	Lowman	Parker F B	Waddell
Caughlan	Graubard	Lupton	Parker J S	Walters
Cheney	Gray	MacGregor	Partridge	Ward
Clarke	Green	Manley	Perkins	Waters
Colné	Gunderman	Marks	Phillips C W	Weaver
Conklin	Hackett	Marlatt	Phillips J S	Weber
Costello	Hammond	Martin	Robinson	Weimert
Cuvillier	Hamn	McCue	Rozan	Wende
De Groot	Hawley	McElligott	Sanner	White L H
Donnelly	Hemenway	McFarlane	Sargent	Whitley
Draper	Herrick	McGrath	Schmidt	Whitney
Duell	Hoey	McInerney	Schutta	Williams
Eagleton	Howard	McKeon	Scott	Wood
Edwards	Jackson	McLaughlin	Shea	Yale
Evans	Jordan	Mead	Smith A E	Young F L

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1128) entitled "An act to amend the Poor Law, in relation to the method of determining and raising necessary moneys for the support of the poor in cities." (Rec. No. 382.)

On motion of Mr. Duell, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.



AYES 135

NOES 00

Those who voted in the affirmative were:

Allen	Farrar	Joseph	Merritt	Smith C
Barden	Fay	Klein	Millen	Smith F L
Bates	Filley	Lachman	Miller J L	Smith M
Baummann	Foley	Lanahan	Miller W G	Staley
Baumes	Francis	Lansing	Murphy C F	Stein
Bennett	Frisbie	Lazarus	Murphy E J	Stern
Bohan	Garbe	Lee	Murray	Sullivan
Boshart	Geoghegan	Leffingwell	Neupert	Surpless
Brady	Gillen	Levy A J	Nolan	Thompson
Brennan	Glore	Levy J	Odell	Thorn
Brown C F	Glück	Lewis	Oliver	Travis
Bown G W	Goldberg	Lowe	O'Neil	Voss
Burhyte	Goodspeed	Lowman	Parker F B	Waddell
Caughlan	Graubard	Lupton	Parker J S	Walters
Cheney	Gray	MacGregor	Partridge	Ward
Clarke	Green	Manley	Perkins	Waters
Colné	Gunderman	Marks	Phillips C W	Weaver
Conklin	Hackett	Marlatt	Phillips J S	Weber
Costello	Hammond	Martin	Robinson	Weimert
Cuvillier	Hamm	McCue	Rozan	Wende
De Groot	Hawley	McElligott	Sanner	White L H
Donnelly	Hemenway	McFarlane	Sargent	Whitley
Draper	Herrick	McGrath	Schmidt	Whitney
Duell	Hoey	McInerney	Schutta	Williams
Eagleton	Howard	McKeon	Scott	Wood
Edwards	Jackson	McLaughlin	Shea	Yale
Evans	Jordan	Mead	Smith A E	Young F L

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1448) entitled "An act to amend chapter forty-seven of the Laws of eighteen hundred and sixty-nine, entitled 'An act regulating auction sales in the village of Wellsville,' in relation to transient retail business in such village." (Rec. No. 355.)

On motion of Mr. J. S. Phillips, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 135

NOES 00

Those who voted in the affirmative were:

Allen	Farrar	Joseph	Merritt	Smith C
Barden	Fay	Klein	Millen	Smith F L
Bates	Filley	Lachman	Miller J L	Smith M
Baumann	Foley	Lanahan	Miller W G	Staley
Baumes	Francis	Lansing	Murphy C F	Stein
Bennett	Frisbie	Lazarus	Murphy F J	Stern
Bohan	Garbe	Lee	Murray	Sullivan
Boshart	Geoghegan	Leffingwell	Neupert	Surpless
Brady	Gillen	Levy A J	Nolan	Thompson
Brennan	Glore	Levy J	Odell	Thorn
Brown C F	Glück	Lewis	Oliver	Travis
Brown G W	Goldberg	Lowe	O'Neil	Voss
Burhyte	Goodspeed	Lowman	Parker F B	Waddell
Caughlan	Graubard	Lupton	Parker J S	Walters
Cheney	Gray	MacGregor	Partridge	Ward
Clarke	Green	Manley	Perkins	Waters
Colné	Gunderman	Marks	Phillips C W	Weaver
Conklin	Hackett	Marlatt	Phillips J S	Weber
Costello	Hammond	Martin	Robinson	Weimert
Cuvillier	Hann	McCue	Rozan	Wende
De Groot	Hawley	McElligott	Sanner	White L H
Donnelly	Hemenway	McFarlane	Sargent	Whitley
Draper	Herrick	McGrath	Schmidt	Whitney
Duell	Hoev	McInerney	Schutta	Williams
Eagleton	Howard	McKeon	Scott	Wood
Edwards	Jackson	McLaughlin	Shea	Yale
Evans	Jordan	Mead	Smith A E	Young F L

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1414) entitled "An act to confer jurisdiction upon the Court of Claims to hear, audit and determine the alleged claim of Michael O'Keefe against the State of New York, for damages alleged to have been sustained by him while in the employ of the State, and to render judgment therefor." (Rec. No. 329.)

On motion of Mr. Williams, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 135

NOES 00

Those who voted in the affirmative were:

Allen	<b>Farrar</b>	Joseph	Merritt	Smith C
Barden	Fay	Klein	Millen	Smith F L
Bates	Filley	Iachman	Miller J L	Smith M
Baumann	Foley	Lanahan	Miller W G	Staley
Baumes	Francis	Lansing	Murphy C F	Stein
Bennett	Frisbie	Lazarus	Murphy F J	Stern
Bohan	Garbe	Lee	Murray	Sullivan
Boshart	Geoghegan	Leffingwell	Neupert	Surpless
Brady	Gillen	Levy A J	Nolan	Thompson
Brennan	Glore	Levy J	Odell	Thorn
Brown C F	Glück	Lewis	Oliver	Travis
Brown G W	Goldberg	Lowe	O'Neil	Voss
Burhyte	Goodspeed	Lowman	Parker F B	Waddell
Caughlan	Graubard	Lupton	Parker J S	Walters
Cheney	Gray	MacGregor	Partridge	Ward
Clarke	Green	Manley	Perkins	Waters
Colné	Gunderman	Marks	Phillips C W	Weaver
Conklin	Hackett	Marlatt	Phillips J S	Weber
Costello	Hammond	Martin	Robinson	Weimert
Cuvillier	Hamn	McCue	Rozan	Wende
De Groot	Hawley	McElligott	Sanner	White L H
Donnelly	Hemenway	McFarlane	Sargent	Whitley
Draper	Herrick	McGrath	Schmidt	Whitney
Duell	Hoey	McInerney	Schutta	Williams
Eagleton	Howard	McKeon	Scott	Wood
Edwards	Jackson	McLaughlin	Shea	Yale
<b>Evans</b>	Jordan	Mead	Smith A E	Young F L

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 577) entitled "An act to amend the Negotiable Instruments Law, relating to forged indorsements." (Rec. No. 191.)

On motion of Mr. Hamn, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.



AYES 139

NOES 4

Those who voted in the affirmative were:

Allen	Fellows	Klein	Miller W G	Spielberg
Barden	Filley	Lachman	Murphy F J	Stein
Bates	Foley	Lanzhan	Murray	Stern
Baumann	Fowler	Lansing	Neupert	Sullivan
Baumes	Francis	Lazarus	Nolan	Surpless
Bohan	Frisbie	Lee	Odell	Thompson
Boshart	Garbe	Leffingwell	Oliver	Thorn
Brad/	Geoghegan	Levy J	O'Neil	Todd
Brennan	Gillen	Lewis	Parker F B	Toombs
Brown C F	Glore	Lowe	Parker J S	Travis
Brown G W	Glück	Lowman	Partridge	Voss
Burhyte	Goldberg	Lupton	Perkins	Waddell
Callan	Goodspeed	MacGregor	Phillips C W	Walters
Caughlan	Graubard	Manley	Phillips J S	Ward
Cneney	Gray	Marks	Robinson	Waters
Clarke	Green	Marlatt	Rozan	Weaver
Colné	Gunderman	Martin	Sanner	Weber
Conklin	Hackett	McCue	Sargent	Weimert
Costello	Haines	McElligott	Schmidt	Wende
Cuvillier	Hammond	McFarlane	Schutta	White L H
De Groot	Hamn	McGrath	Scott	Whitley
Donnelly	Hawley	McInerney	Shea	Whitney
Draper	Hemenway	McKeon	Sheridan	Williams
Duell	Hoe	McLaughlin	Silbermann	Wood
Edwards	Howard	Mead	Smith A E	Yale
Evans	Jackson	Merritt	Smith C	Young E
Farrar	Jordan	Millen	Smith F L	Young F L
Fay	Joseph	Miller J L	Smith M	

Those who voted in the negative were: \*

Bennett	Eagleton	Levy A J	Murphy C F
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Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1426) entitled "An act to confer certain rights upon the city of Mount Vernon and upon the city of New York, with respect to supplying water to the said city of Mount Vernon and the inhabitants thereof from the water supply of the city of New York, and to confer jurisdiction upon the State Water Supply Commission in respect thereto." (Rec. No. 330.)

On motion of Mr. Duell, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 141

NOES 2

Those who voted in the affirmative were:

Allen	Fellows	Klein	Miller J L	Smith M
Barden	Filley	Lachman	Miller W G	Spielberg
Bates	Foley	Lanahan	Murphy C F	Stein
Baumann	Fowler	Lansing	Murphy F J	Stern
Baumes	Francis	Lazarus	Murray	Sullivan
Bohan	Frisbie	Lee	Neupert	Surpless
Boshart	Garbe	Leffingwell	Nolan	Thompson
Brady	Geoghegan	Levy A J	Odell	Thorn
Brennan	Gillen	Levy J	O'Neil	Todd
Brown C F	Glore	Lewis	Parker F B	Toombs
Brown G W	Glück	Lowe	Parker J S	Travis
Burhyte	Goldberg	Lowman	Partridge	Voss
Callan	Goodspeed	Lupton	Perkins	Waddell
Caughlan	Graubard	MacGregor	Phillips C W	Walters
Cheney	Gray	Manley	Phillips J S	Ward
Clarke	Green	Marks	Robinson	Waters
Colné	Gunderman	Marlatt	Rozan	Weaver
Conklin	Hackett	Martin	Sanner	Weber
Costello	Haines	McCue	Sargent	Weimert
Cuvillier	Hammond	McElligott	Schmidt	Wende
De Groot	Hamn	McFarlane	Schutta	White L H
Donnelly	Hawley	McGrath	Scott	Whitley
Draper	Hemenway	McInerney	Shea	Whitney
Duell	Hoey	McKeon	Sheridan	Williams
Eagleton	Howard	McLaughlin	Silbermann	Wood
Edwards	Jackson	Mead	Smith A E	Yale
Evans	Jordan	Merritt	Smith C	Young E
Farrar	Joseph	Millen	Smith F L	Young F L
Fay				

Those who voted in the negative were:

Bennett                  Oliver

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1548) entitled "An act to amend an act entitled 'An act relating to labor,' constituting chapter thirty-one of the Consolidated Laws." (Rec. No. 391.)

Said bill having been announced for a second reading,

On motion of Mr. Oliver, and by unanimous consent, said bill was order placed on the second and third reading calendar for Friday next.

Mr. Speaker announced the special order, being the Senate bill (No. 1347) entitled "An act to amend chapter six hundred and seventy of the Laws of nineteen hundred and six, entitled 'An act to establish a new State prison in the eastern part of the State to take the place of Sing Sing prison; to authorize the Governor to appoint a commission to select and purchase a site,' in relation to the erection and completion of such prison, the compensation and expenses of the commissioners and their secretary, and making an additional appropriation therefor." (Rec. No. 333.)

On motion of Mr. Merritt, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 135

NOES 00

Those who voted in the affirmative were:

Allen	Farrar	Joseph	Merritt	Smith C
Barden	Fay	Klein	Millen	Smith F L
Bates	Filley	Lachman	Miller J L	Smith M
Baumann	Foley	Lanahan	Miller W G	Staley
Baumes	Francis	Lansing	Murphy C F	Stein
Bennett	Frisbie	Lazarus	Murphy F J	Stern
Bohan	Garbe	Lee	Murray	Sullivan
Boshart	Geoghegan	Leffingwell	Neupert	Surpless
Brady	Gillen	Levy A J	Nolan	Thompson
Brennan	Glore	Levy J	Odell	Thorn
Brown C F	Glück	Lewis	Oliver	Travis
Brown G W	Goldberg	Lowe	O'Neil	Voss
Burhyte	Goodspeed	Lowman	Parker F B	Waddell
Caughlan	Graubard	Lupton	Parker J S	Walters
Cheney	Gray	MacGregor	Partridge	Ward
Clarke	Green	Manley	Perkins	Waters
Colné	Gunderman	Marks	Phillips C W	Weaver
Conklin	Hackett	Marlatt	Phillips J S	Weber
Costello	Hammond	Martin	Robinson	Weimert
Cuvillier	Hamn	McCue	Rozan	Wende
De Groot	Hawley	McElligott	Sanner	White L H
Donnelly	Hemenway	McFarlane	Sargent	Whitley
Draper	Herrick	McGrath	Schmidt	Whitney
Duell	Hoey	McInerney	Schutta	Williams
Eagleton	Howard	McKeon	Scott	Wood
Edwards	Jackson	McLaughlin	Shea	Yale
Evans	Jordan	Mead	Smith A E	Young F L



Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1348) entitled "An act making appropriations for construction, additions and improvements at the State hospitals for the insane." (Rec. No. 342.)

On motion of Mr. Merritt, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 135

NOES 00

Those who voted in the affirmative were:

Allen	Farrar	Joseph	Merritt	Smith C
Barden	Fay	Klein	Millen	Smith F L
Bates	Filley	Lachman	Miller J L	Smith M
Baumann	Foley	Lanahan	Miller W G	Staley
Baume	Francis	Lansing	Murphy C F	Stein
Bennet	Frisbie	Lazarus	Murphy F J	Stern
Bohan	Garbe	Lee	Murray	Sullivan
Boshart	Geoghegan	Leffingwell	Neupert	Surpless
Brady	Gillen	Levy A J	Nolan	Thompson
Brennan	Glore	Levy J	Odell	Thorn
Brown C F	Glück	Lewis	Oliver	Travis
Brown G W	Goldberg	Lowe	O'Neil	Voss
Burhyte	Goodspeed	Lowman	Parker F B	Waddell
Caughlan	Graubard	Lupton	Parker J S	Walters
Cheney	Gray	MacGregor	Partridge	Ward
Clarke	Green	Manley	Perkins	Waters
Colné	Gunderman	Marks	Phillips C W	Weaver
Conklin	Hackett	Marlatt	Phillips J S	Weber
Costello	Hammond	Martin	Robinson	Weimert
Cuvillier	Hamn	McCue	Rozan	Wende
De Groot	Hawley	McElligott	Sanner	White L H
Donnelly	Hemenway	McFarlane	Sargent	Whitley
Draper	Herrick	McGrath	Schmidt	Whitney
Duell	Hoey	McInerney	Schutta	Williams
Eagleton	Howard	McKeon	Scott	Wood
Edwards	Jackson	McLaughlin	Shea	Yale
Evans	Jordan	Mead	Smith A E	Young F L

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1488) entitled "An act providing for the construction of buildings and improvements for the New York State Training School for Boys and making an appropriation therefor." (Rec. No. —.)

On motion of Mr. Merritt, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 135

NOES 00

Those who voted in the affirmative were:

Allen	Farrar	Joseph	Merritt	Smith C
Barden	Fay	Klein	Millen	Smith F L
Bates	Filley	Lachman	Miller J L	Smith M
Baumann	Foley	Lanahan	Miller W G	Staley
Baumes	Francis	Lansing	Murphy C F	Stein
Bennett	Frisbie	Lazarus	Murphy F J	Stern
Bohan	Garbe	Lee	Murray	Sullivan
Boshart	Geoghegan	Leffingwell	Neupert	Surpless
Brady	Gillen	Levy A J	Nolan	Thompson
Brennan	Glore	Levy J	Odell	Thorn
Brown C F	Glück	Lewis	Oliver	Travis
Brown G W	Goldberg	Lowe	O'Neil	Voss
Burhyte	Goodspeed	Lowman	Parker F B	Waddell
Caughlan	Graubard	Lupton	Parker J S	Walters
Cheney	Gray	MacGregor	Partridge	Ward
Clarke	Green	Manley	Perkins	Waters
Colné	Gunderman	Marks	Phillips C W	Weaver
Conklin	Hackett	Marlatt	Phillips J S	Weber
Costello	Hammond	Martin	Robinson	Weimert
Cuvillier	Hamn	McCue	Rozan	Wende
De Groot	Hawley	McElligott	Sanner	White L H
Donnelly	Hemenway	McFarlane	Sargent	Whitley
Draper	Herrick	McGrath	Schmidt	Whitney
Duell	Hoey	McInerney	Schutta	Williams
Eagleton	Howard	McKeon	Scott	Wood
Edwards	Jackson	McLaughlin	Shea	Yale
Evans	Jordan	Mead	Smith A E	Young F L

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1300) entitled "An act to amend the Public Health Law, in relation to the quarantine commissioners and the health officer for the port of New York, and repealing certain sections relating to the quarantine commissioners." (Rec. No. 344.)

On motion of Mr. Merritt, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 135

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Joseph	Merritt	Smith C
Barden	Filley	Klein	Millen	Smith F L
Bates	Foley	Lachman	Miller J L	Smith M
Baumann	Fowler	Lanahan	Miller W G	Staley
Baumes	Francis	Lansing	Murphy C F	Stein
Bennett	Frisbie	Lazarus	Murphy F J	Stern
Bohan	Garbe	Lee	Murray	Sullivan
Boshart	Geoghegan	Leffingwell	Neupert	Surpless
Brady	Gillen	Levy A J	Nolan	Thompson
Brennan	Glore	Levy J	Odell	Thorn
Brown C F	Glück	Lewis	Oliver	Travis
Brown G W	Goldberg	Lowe	O'Neil	Voss
Burhyte	Goodspeed	Lowman	Parker F B	Waddell
Caughlan	Graubard	Lupton	Parker J S	Walters
Cheney	Gray	MacGregor	Partridge	Ward
Clarke	Green	Manley	Perkins	Waters
Colné	Gunderman	Marks	Phillips C W	Weaver
Conklin	Hackett	Marlatt	Phillips J S	Weber
Costello	Hammond	Martin	Robinson	Weimert
Cuvillier	Hamm	McCue	Rozan	Wende
De Groot	Hawley	McElligott	Sanner	White L E
Donnelly	Hemenway	McFarlane	Sargent	Whitley
Draper	Herrick	McGrath	Schmidt	Whitney
Duell	Hoev	McInerney	Schutta	Williams
Eagleton	Howard	McKeon	Scott	Wood
Edwards	Jackson	McLaughlin	Shea	Yale
Evans	Jordan	Mead	Smith A E	Young F L
Farrar				



Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

The Senate bill (No. 345) entitled "An act authorizing and empowering the comptroller of the city of Buffalo to open and keep a special work account, and authorizing said city to issue or award its bonds for the purpose of raising money therefor" (Rec. No. 321), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 135

NOES 00

Those who voted in the affirmative were:

Allen	Farrar	Joseph	Merritt	Smith C
Barden	Fay	Klein	Millen	Smith F L
Bates	Filley	Lachman	Miller J L	Smith M
Brennan	Foley	Lanahan	Miller W G	Staley
Baumes	Francis	Lansing	Murphy C F	Stein
Bennett	Frisbie	Lazarus	Murphy F J	Stern
Bohan	Garbe	Lee	Murray	Sullivan
Boshart	Geoghegan	Leffingwell	Neupert	Surpless
Brady	Gillen	Levy A J	Nolan	Thompson
Brennan	Glore	Levy J	Odell	Thörn
Brown C F	Glück	Lewis	Oliver	Travis
Brown G W	Goldberg	Lowe	O'Neil	Voss
Burhyte	Goodspeed	Lowman	Parker F B	Waddell
Caughlan	Graubard	Lupton	Parker J S	Walters
Cheney	Gary	MacGregor	Partridge	Ward
Clarke	Green	Manley	Perkins	Waters
Colné	Gunderman	Marks	Phillips C W	Weaver
Conklin	Hackett	Marlatt	Phillips J S	Weber
Costello	Hammond	Martin	Robinson	Weimert
Cuvillier	Hamn	McCue	Rozan	Wende
De Groot	Hawley	McElligott	Sanner	White I. H
Donnelly	Hemenway	McFarlane	Sargent	Whitley
Draper	Herrick	McGrath	Schmidt	Whitney
Duell	Hoey	McInerney	Schutta	Williams
Eagleton	Howard	McKeon	Scott	Wood
Edwards	Jackson	McLaughlin	Shea	Yale
Evans	Jordan	Mead	Smith A E	Young F L

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

The bill (No. 2391) entitled "An act to provide for the assessment and collection of deficiencies in amounts heretofore raised by assessment to defray the expense of certain local improvements in the city of Syracuse" (Int. No. 993), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 135

NOES 00

Those who voted in the affirmative were:

Allen	Farrar	Joseph	Merritt	Smith C
Barden	Fay	Klein	Millen	Smith F L
Bates	Filley	Lachman	Miller J L	Smith M
Baumann	Foley	Lanahan	Miller W G	Staley
Baumes	Francis	Lansing	Murphy C F	Stein
Bennett	Frisbie	Lazarus	Murphy F J	Stern
Bohan	Garbe	Lee	Murray	Sullivan
Beshart	Geoghegan	Leffingwell	Neupert	Surpless
Brady	Gillen	Levy A J	Nolan	Thompson
Brennan	Glore	Levy J	Odell	Thorn
Brown C F	Glück	Lewis	Oliver	Travis
Brown G W	Goldberg	Lowe	O'Neil	Voss
Burhyte	Goodspeed	Lowman	Parker F B	Waddell
Caughlan	Graubard	Lupton	Parker J S	Walters
Cheney	Gray	MacGregor	Partridge	Ward
Clarke	Green	Manley	Perkins	Waters
Colné	Gunderman	Marks	Phillips C W	Weaver
Conklin	Hackett	Marlatt	Phillips J S	Weber
Costello	Hammond	Martin	Robinson	Weimert
Cuvillier	Hamn	McCue	Rozan	Wende
De Groot	Hawley	McElligott	Sanner	White L H
Donnelly	Hemenway	McFarlane	Sargent	Whitley
Draper	Herrick	McGrath	Schmidt	Whitney
Duell	Hoey	McInerney	Schutta	Williams
Eagleton	Howard	McKeon	Scott	Wood
Edwards	Jackson	McLaughlin	Shea	Yale
Evans	Jordan	Mead	Smith A E	Young F L

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have reconsidered their vote on the final passage of said bill, and, as amended, have again passed the same and request the concurrence of the Senate therein.

The Senate returned the Senate bill (No. 1233, Rec. No. 95), entitled "An act to amend chapter one hundred and one of the

Laws of eighteen hundred and eighty-one, entitled 'An act to provide for a supply of water in the village of Amsterdam, and to exempt said village from the provisions of chapter one hundred and eighty-one of the Laws of eighteen hundred and seventy-five,' as amended by section eighty-five of chapter one hundred and thirty-one of the Laws of eighteen hundred and eighty-five, entitled 'An act to incorporate the city of Amsterdam,' with the following message:

This bill was duly passed by the Senate and Assembly, and was transmitted to the mayor of the city of Amsterdam for a public hearing in said city, as provided by law, and was returned by said mayor with a message that said bill, after a public hearing thereon, had been accepted by the common council of the city but not by the mayor. Said bill was thereafter and on this day again duly passed, a majority of all the Senators elected voting in favor thereof, and three-fifths being present, the President stating the question to be, "Shall this bill pass notwithstanding the objection of the mayor of the city of Amsterdam thereto?"

Mr. Speaker stated the question to be, "Shall this bill pass notwithstanding the objections of the mayor of the city of Amsterdam thereto?" and it was decided in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

AYES 143

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Klein	Miller W G	Smith M
Barden	Fellows	Lachman	Murphy C F	Spielberg
Bates	Filley	Lanahan	Murphy F J	Stein
Baumann	Foley	Lensing	Murray	Stern
Baumes	Fowler	Lazarus	Neupert	Sullivan
Bennett	Francis	Lee	Nolan	Surpless
Bohan	Frisbie	Leffingwell	Odell	Thompson
Boshart	Garbe	Levy A J	Oliver	Thorn
Brady	Geoghegan	Levy J	O'Neil	Todd
Brennan	Gillen	Lewis	Parker F B	Toombs
Brown C F	Glore	Lowe	Parker J S	Travis
Brown G W	Glück	Lowman	Partridge	Voss
Burhyte	Goldberg	Lupton	Perkins	Waddell
Callan	Goodspeed	MacGregor	Phillips C W	Walters
Caughlan	Graubard	Manley	Phillips J S	Ward



Cheney	Gray	Marks	Robinson	Waters
Clarke	Green	Marlatt	Rozan	Weaver
Colné	Gundernan	Martin	Sanner	Weber
Conklin	Hackett	McCue	Sargent	Weimert
Costello	Haines	McElligott	Schmidt	Wende
Cuvillier	Hammond	McFarlane	Schutta	White L H
De Groot	Hamn	McGrath	Scott	Whitley
Donnelly	Hawley	McInerney	Shea	Whitney
Draper	Hemenway	McKeon	Sheridan	Williams
Duell	Hoey	McLaughlin	Silbermann	Wood
Eagleton	Howard	Mead	Smith A E	Yale
Edwards	Jackson	Merritt	Smith C	Young E
Evans	Jordan	Millen	Smith F L	Young F L
Farrar	Joseph	Miller J L		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

By unanimous consent, and on motion of Mr. Callen, the committee on rules was instructed to report Assembly bill (No. 828, Senate reprint No. 1336, Int. No. 757), entitled "An act to amend the Military Law, in relation to pay and allowances."

Mr. Speaker, from the committee on rules, reported said bill as directed.

Mr. Callen moved to concur in the Senate amendments.

Mr. Speaker put the question whether the House would concur in said amendments, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 135

NOES 00

Those who voted in the affirmative were:

Allen	Farrar	Joseph	Merritt	Smith C
Barder	Fav	Klein	Millen	Smith F L
Bates	Filley	Lachman	Miller J L	Smith M
Baumann	Foley	Lanahan	Miller W G	Staley
Baumes	Francis	Lansing	Murphy C F	Stein
Bennett	Frisbie	Iazarus	Murphy F J	Stern
Bohan	Garbe	Lee	Murray	Sullivan
Boshart	Geoghegan	Leffingwell	Neupert	Surpluss
Brady	Gillen	Levy A J	Nolan	Thompson
Brennan	Glore	Levy J	Odell	Thorn
Brown C F	Glück	Lewis	Oliver	Travis
Brown G W	Goldberg	Lowe	O'Neil	Voss
Burhyte	Goodspeed	Lowman	Parker F B	Waddell
Caughlan	Graubard	Lupton	Parker J S	Walters
Cheney	Gray	MacGregor	Partridge	Ward

Clarke	Green	Manley	Perkins	Waters
Colné	Gunderman	Marks	Phillips C W	Weaver
Conklin	Hackett	Marlatt	Phillips J S	Weber
Costello	Hammond	Martin	Robinson	Weimert
Cuvillier	Hamn	McCue	Rozan	Wende
De Groot	Hawley	McElligott	Sanner	White L H
Donnelly	Hemenway	McFarlane	Sargent	Whitley
Draper	Herrick	McGrath	Schmidt	Whitney
Duell	Hoey	McInerney	Schutta	Williams
Eagleton	Howard	McKeon	Scott	Wood
Edwards	Jackson	McLaughlin	Shea	Yale
Evans	Jordan	Mead	Smith A E	Young F L

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendments of the Senate thereto.

By unanimous consent, Mr. Merritt called up Senate bill (No. 905, Assembly reprint No. 2400, Rec. No. 159), entitled "An act to amend the Agricultural Law, entitled 'An act in relation to agriculture, constituting chapter one of the Consolidated Laws,' in relation to issuing notices of quarantines relative to infectious or contagious diseases," now on the order of second reading.

Said bill having been announced, Mr. Merritt moved to amend, as follows:

On page 2, line 13, after the word "highway" remove the ":", insert a comma ",", and add "provided, if such fences or buildings are privately owned, the owners thereof shall consent to such posting."

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Said bill, as amended, was then read the second time, and, on motion of Mr. Merritt, was ordered reprinted and placed on the order of third reading.

A message from the Governor was received and read, in words following:

#### STATE OF NEW YORK — EXECUTIVE CHAMBER.

##### *To the Legislature:*

It appearing to my satisfaction that the public interest requires it;

Therefore, In accordance with the provisions of section 15 of article 3 of the Constitution and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Assembly bill No. 2400, as amended, en-

titled "An act to amend the Agricultural Law, entitled 'An act in relation to agriculture, constituting chapter one of the Consolidated Laws,' in relation to issuing notices of or quarantines relative to infectious or contagious diseases."

Given under my hand and the privy seal of the State at the Capitol, in the city of Albany, this twenty-ninth day of April, in the year of our Lord one thousand nine hundred and nine.

CHARLES E. HUGHES.

By the Governor:

ROBERT H. FULLER,  
*Secretary to the Governor.*

Said bill was then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, the necessity for the immediate passage of the same having been certified by the Governor, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 135

NOES 00

Those who voted in the affirmative were:

Allen	Farrar	Joseph	Merritt	Smith C
Barden	Fay	Klein	Millen	Smith F L
Bates	Filley	Lachman	Miller J L	Smith M
Baumann	Foley	Lanahan	Miller W G	Staley
Baumes	Francis	Lansing	Murphy C F	Stein
Bennett	Frisbie	Lazarus	Murphy F J	Stern
Bohan	Garbe	Lee	Murray	Sullivan
Boshart	Geoghegan	Leffingwell	Neupert	Surpless
Brady	Gillen	Levy A J	Nolan	Thompson
Brennan	Glore	Levy J	Odell	Thorn
Brown C F	Glück	Lewis	Oliver	Travis
Brown G W	Goldberg	Lowe	O'Neil	Voss
Burhyte	Goodspeed	Lowman	Parker F B	Waddell
Caughlan	Graubard	Lupton	Parker J S	Walters
Cheney	Gray	MacGregor	Partridge	Ward
Clarke	Green	Manley	Perkins	Waters
Colné	Gunderman	Marks	Phillips C W	Weaver
Conklin	Hackett	Marlatt	Phillips J S	Weber
Costello	Hammond	Martin	Robinson	Weimert
Cuvillier	Hann	McCue	Rozan	Wende
De Groot	Hawley	McElligott	Sanner	White L H
Donnelly	Hemenway	McFarlane	Sargent	Whitley
Draper	Herriek	McGrath	Schmidt	Whitney
Duell	Hoey	McInerney	Schutta	Williams
Eagleton	Howard	McKeon	Scott	Wood
Edwards	Jackson	McLaughlin	Shea	Yale
Evans	Jordan	Mead	Smith A E	Young F L



Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same, with amendments.

Mr. C. F. Murphy, from the committee of conference, presented the following report:

*To the Legislature:*

The undersigned, appointed by the Senate and Assembly as a committee of conference relative to the matters of difference arising between the two Houses upon the Senate bill (No. 145, Assembly reprint No. 2326, Int. No. 144), entitled "An act to amend section eight hundred and twelve of the Code of Civil Procedure, in relation to general regulations respecting bonds and undertakings," report that they have duly conferred upon said matters, and agreed to recommend as follows:

That the Assembly recede from the amendment made thereto, and recommend the passage of the bill in its original form.

HENRY W. HILL,  
JOSIAH T. NEWCOMB,  
WILLIAM J. A. CAFFERY,  
*Committee on the part of the  
Senate.*

CHARLES F. MURPHY,  
HARRISON C. GLORE,  
FRED W. HAMMOND,  
THOS. J. SURPLESS,  
AARON J. LEVY,  
*Committee on the part of the  
Assembly.*

which report was agreed to.

Mr. C. F. Murphy moved to reconsider the vote by which said bill was amended.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 135

NOES 00

Those who voted in the affirmative were:

Allen	Farrar	Joseph	Merritt	Smith C
Barden	Fay	Klein	Millen	Smith F L
Bates	Filley	Lachman	Miller J L	Smith M
Baumann	Foley	Lanahan	Miller W G	Staley
Baumes	Francis	Lansing	Murphy C F	Stein
Bennett	Frisbie	Lazarus	Murphy F J	Stern
Bohan	Garbe	Lee	Murray	Sullivan
Boshert	Geoghegan	Leffingwell	Neupert	Surpless
Brady	Gillen	Levy A J	Nolan	Thompson
Brennan	Glore	Levy J	Odell	Thorn
Brown C F	Glück	Lewis	Oliver	Travis
Brown G W	Goldberg	Lowe	O'Neil	Voss
Burhyte	Goodspeed	Lowman	Parker F B	Waddell
Caughlan	Graubard	Lupton	Parker J S	Walters
Cheney	Gray	MacGregor	Partridge	Ward
Clarke	Green	Manley	Perkins	Waters
Colné	Gunderman	Marks	Phillips C W	Weaver
Conklin	Hackett	Marlatt	Phillips J S	Weber
Costello	Hammond	Martin	Robinson	Weimert
Cavillier	Hamn	McCue	Rozan	Wende
De Groot	Hawley	McElligott	Sanner	White L H
Donnelly	Hemenway	McFarlane	Sargent	Whitley
Draper	Herrick	McGrath	Schmidt	Whitney
Duell	Hoeey	McInerney	Schutta	Williams
Eagleton	Howard	McKeon	Scott	Wood
Edwards	Jackson	McLaughlin	Shea	Yale
Evans	Jordan	Mead	Smith A E	Young F L

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

The Senate returned the Assembly bill (No. 1004, Senate re-print No. 1514, Int. No. 900), entitled "An act to amend the Forest, Fish and Game Law, in relation to the open season for hares and rabbits in Richmond county," with a message that they have concurred in the passage of the same, with the following amendments:

On page 1, line 5, before the word "Albany" insert "[ ".

On page 1, line 5, after the word "Albany" insert "[ ] Allegany."

Mr. Lanahan moved to concur in the Senate amendments.

Mr. Speaker put the question whether the House would concur in said amendments, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined

in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 135

NOES 00

Those who voted in the affirmative were:

Allen	Farrar	Joseph	Merritt	Smith C
Barden	Fay	Klein	Millen	Smith F L
Bates	Filley	Lachman	Miller J L	Smith M
Baumann	Foley	Lanahan	Miller W G	Staley
Baumes	Francis	Lansing	Murphy C F	Stein
Bennett	Frisbie	Lazarus	Murphy F J	Stern
Bohan	Garbe	Lee	Murray	Sullivan
Boshart	Geoghegan	Leffingwell	Neupert	Surpless
Brady	Gillen	Levy A J	Nolan	Thompson
Brennan	Glore	Levy J	Odell	Thorn
Brown C F	Glück	Lewis	Oliver	Travis
Brown G W	Goldberg	Lowe	O'Neil	Voss
Burhyte	Goodspeed	Lowman	Parker F B	Waddell
Caughlan	Graubard	Lupton	Parker J S	Walters
Cheney	Gray	MacGregor	Partridge	Ward
Clarke	Green	Manley	Perkins	Waters
Colné	Gunderman	Marks	Phillips C W	Weaver
Conklin	Hackett	Marlatt	Phillips J S	Weber
Costello	Hammond	Martin	Robinson	Weimert
Cuvillier	Hamn	McCue	Rozan	Wende
De Groot	Hawley	McElligott	Sanner	White L H
Donnelly	Hemenway	McFarlane	Sargent	Whitley
Draper	Herrick	McGrath	Schmidt	Whitney
Duell	Hoey	McInerney	Schutta	Williams
Eagleton	Howard	McKeon	Scott	Wood
Edwards	Jackson	McLaughlin	Shea	Yale
Evans	Jordan	Mead	Smith A E	Young F L

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendments of the Senate thereto.

The Senate returned the Assembly bill (No. 1604, Senate reprint No. 1541, Int. No. 1335), entitled "An act to amend the Poor Law, in relation to poor children," with a message that they have concurred in the passage of the same, with the following amendments:

Page 1, line 11, strike out "to", and after "made" insert " , ".

Mr. J. S. Phillips moved to concur in the Senate amendments.

Mr. Speaker put the question whether the House would concur in said amendments, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined



in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 135

NOES 00

Those who voted in the affirmative were:

Allen	Farrar	Joseph	Merritt	Smith C
Barden	Fay	Klein	Millen	Smith F L
Bates	Filley	Lachman	Miller J L	Smith M
Baumann	Foley	Lanahan	Miller W G	Staley
Baumes	Francis	Lansing	Murphy C F	Stein
Bennett	Frisbie	Lazarus	Murphy F J	Stern
Bohan	Garbe	Lee	Murray	Sullivan
Boshart	Geoghegan	Leffingwell	Neupert	Surpless
Brady	Gillen	Levy A J	Nolan	Thompson
Brennan	Glore	Levy J	Odell	Thorn
Brown C F	Glück	Lewis	Oliver	Travis
Brown G W	Goldberg	Lowe	O'Neil	Voss
Burhyte	Goodspeed	Lowman	Parker F B	Waddell
Caughlan	Graubard	Lupton	Parker J S	Walters
Cheney	Gray	MacGregor	Partridge	Ward
Clarke	Green	Manley	Perkins	Waters
Colné	Gunderman	Marks	Phillips C W	Weaver
Conklin	Hackett	Marlatt	Phillips J S	Weber
Costello	Hammond	Martin	Robinson	Weimert
Cuvillier	Hamn	McCue	Rozan	Wende
De Groot	Hawley	McElligott	Sanner	White L H
Donnelly	Hemenway	McFarlane	Sargent	Whitley
Draper	Herrick	McGrath	Schmidt	Whitney
Duell	Hoey	McInerney	Schutta	Williams
Eagleton	Howard	McKeon	Scott	Wood
Edwards	Jackson	McLaughlin	Shea	Yale
Evans	Jordan	Mead	Smith A E	Young F L

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendments of the Senate thereto.

The Senate returned the Assembly bill (No. 2058, Senate reprint No. 1552, Int. No. 1017), entitled "An act to amend the Labor Law, relative to the employment of minors in dangerous employment and forbidding such employment," with a message that they have concurred in the passage of the same, with the following amendments:

Page 5, line 19, strike out entire line.

Page 5, line 21, strike out "or in any other employment".

Mr. Voss moved to concur in the Senate amendments.

Mr. Speaker put the question whether the House would concur in said amendments, said bill having been printed and upon the desks of the members in its final form at least three calendar legis-

lative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 135

NOES 00

Those who voted in the affirmative were:

Allen	Farrar	Joseph	Merritt	Smith C
Barden	Fay	Klein	Millen	Smith F L
Bates	Filley	Lachman	Miller J L	Smith M
Baumann	Foley	Lanahan	Miller W G	Staley
Baumes	Francis	Lansing	Murphy C F	Stein
Bennett	Frisbie	Lazarus	Murphy F J	Stern
Bohan	Garbe	Lee	Murray	Sullivan
Boshart	Geoghegan	McFarlane	Neupert	Surpluss
Brady	Gillen	Levy A J	Nolan	Thompson
Brennan	Glore	Levy J	Odell	Thorn
Brown C F	Glück	Lewis	Oliver	Travis
Brown G W	Goldberg	Lowe	O'Neil	Voss
Burhyte	Goodspeed	Lowman	Parker F B	Waddell
Caughlan	Graubard	Lupton	Parker J S	Walters
Cheney	Gray	MacGregor	Partridge	Ward
Clarke	Green	Manley	Perkins	Waters
Colné	Gunderman	Marks	Phillips C W	Weaver
Conklin	Hackett	Marlatt	Phillips J S	Weber
Costello	Hammond	Martin	Robinson	Weimert
Cuvillier	Hamn	McCue	Rozan	Wende
D. Groot	Hawley	McElligott	Sanner	White L H
Donnelly	Hemenway	McFarlane	Sargent	Whitley
Draper	Herrick	McGrath	Schmidt	Whitney
Duell	Hoey	McInerney	Schutta	Williams
Eagleton	Howard	McKeon	Scott	Wood
Edwards	Jackson	McLaughlin	Shea	Yale
Evans	Jordan	Mead	Smith A E	Young F L

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendments of the Senate thereto.

The Senate returned the Assembly bill (No. 1609, Senate reprint No. 1550, Int. No. 1247), entitled "An act to amend the charter of the city of Corning," with a message that they have concurred in the passage of the same, with the following amendments:

Page 11, line 14, change "salary" to "salaries", and after "be" insert "fixed by the common council as hereinafter provided."

Page 11, line 14, before "one" insert "[ ]".

Page 11, line 16, after "act." insert "[ ]".

Page 46, line 9, after "salary" insert "to be fixed by the common council", and before the word "of" insert "[ ]", and after the word "annum" insert "[ ]".

Page 49, line 9, after "salary" insert "to be fixed by the common council as herein provided", and before the word "of" insert "[ ]".

Page 49, line 10, after the word "annum" insert "[ ]".

Page 83, line 4, before the word "not" insert "[ ]".

Page 83, line 5, after the word "month," insert "[ ]".

Objection being made to the immediate consideration of said message,

Ordered, That said bill together with said message be referred to the committee on rules.

The Senate returned the Assembly bill (No. 2011, Senate re-print No. 1542, Int. No. 1050), entitled "An act to amend the Labor Law, relative to the use of compressed air in caissons, tunnels and other works, and laborers employed," with a message that they have concurred in the passage of the same, with the following amendments:

Page 2, line 9, change "five" to "eight".

Page 2, line 16, change "five" to "eight", and in same line, same page, change "thirty-two" to "thirty-six".

Page 2, line 19, after "into" insert "two".

Page 2, line 20, strike out "three" and insert "one".

Page 2, line 20, change "hours" to "hour".

Page 2, line 22, change "thirty-two" to "thirty-six".

Page 2, line 22, at the end of the line strike out "thirty-" and insert "forty-".

Page 2, line 23, strike out "eight" and insert "two".

Page 2, line 25, after the word "of" insert "not more than".

Page 2, line 26, after the word "least" change "four" to "six".

Page 3, line 1, after the word "period;" strike out the balance of the line, and all of lines 2, 3, 4, 5, 6 and 7.

Page 3, line 11, strike out "two" and insert "three".

Page 3, line 12, strike out "two" and insert "three".

Page 3, line 13, after the word "of" strike out "one hour", and insert "not more than ninety minutes".

Page 3, line 13, strike out "six" and insert "three".

Page 3, line 18, strike out "ninety minutes" in both places and insert "two hours".

Page 3, line 19, strike out "forty-five minutes" and insert "one hour".

Page 3, line 20, strike out "six hours and thirty minutes" and insert "not less than four hours".



Page 3, line 23, after the word "inch" insert "except in case of emergency."

Page 4, line 3, change "thirty-eight" to "thirty-six".

Page 4, line 10, after "employed" insert "are".

Page 5, line 2, after "permitted" insert "during the first twenty-four hours of his employment".

Page 9, line 1, after "air" insert "as herein provided".

Mr. Conklin moved to concur in the Senate amendments.

Mr. Speaker put the question whether the House would concur in said amendments, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 135

NOES 00

Those who voted in the affirmative were:

Allen	Farrar	Joseph	Merritt	Smith C
Barden	Fay	Klein	Millen	Smith F L
Bates	Filley	Lachman	Miller J L	Smith M
Baumann	Foley	Lanahan	Miller W G	Staley
Baumes	Francis	Lansing	Murphy C F	Stein
Bennett	Frisbie	Lazarus	Murphy F J	Stern
Bohan	Garbe	Lee	Murray	Sullivan
Boshart	Geoghegan	Leffingwell	Neupert	Surplless
Brady	Gillen	Levy A J	Nolan	Thompson
Brennan	Glore	Levy J	Odell	Thorn
Brown C F	Glück	Lewis	Oliver	Travis
Brown G W	Goldberg	Lowe	O'Neil	Voss
Burhyte	Goodspeed	Lowman	Parker F B	Waddell
Caughlan	Graubard	Lupton	Parker J S	Walters
Cheney	Gray	MacGregor	Partridge	Ward
Clarke	Green	Manley	Perkins	Waters
Colné	Gunderman	Marks	Phillips C W	Weaver
Conklin	Hackett	Marlatt	Phillips J S	Weber
Costello	Hammond	Martin	Robinson	Weimert
Cuvillier	Hamn	McCue	Rozan	Wende
De Groot	Hawley	McElligott	Sanner	White L H
Donnelly	Hemenway	McFarlane	Sargent	Whitley
Draper	Herrick	McGrath	Schmidt	Whitney
Duell	Hoey	McInerney	Schutta	Williams
Eagleton	Howard	McKeon	Scott	Wood
Edwards	Jackson	McLaughlin	Shea	Yale
Evans	Jordan	Mead	Smith A E	Young F L

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendments of the Senate thereto.

The Senate returned the Assembly bill (No. 1132, Senate reprint No. 1484, Int. No. 887), entitled "An act making appro-

priations for repairs, renewals and betterments for the several State prisons, the Matteawan State Hospital for Insane Criminals and the Dannemora State Hospital for Insane Convicts," with a message that they have concurred in the passage of the same, with the following amendments:

Page 4, line 6, strike out entire line.

Page 5, after line 2, and as line 3, insert "PAYABLE FROM THE GENERAL FUND."

Mr. Merritt moved to concur in the Senate amendments.

Mr. Speaker put the question whether the House would concur in said amendments, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 135

NOES 00

Those who voted in the affirmative were:

Allen	Farrar	Joseph	Merritt	Smith C
Barden	Fay	Klein	Millen	Smith F L
Bates	Filley	Lachman	Miller J L	Smith M
Baumann	Foley	Lanahan	Miller W G	Staley
Baumes	Francis	Lansing	Murphy C F	Stein
Bennett	Frisbie	Lazarus	Murphy F J	Stern
Bohan	Garbe	Lee	Murray	Sullivan
Boshart	Geoghegan	Leffingwell	Neupert	Surpless
Brady	Gillen	Levy A J	Nolan	Thompson
Brennan	Glore	Levy J	Odell	Thorn
Brown C F	Glück	Lewis	Oliver	Travis
Brown G W	Goldberg	Lowe	O'Neil	Voss
Burhyte	Goodspeed	Lowman	Parker F B	Waddell
Caughlan	Graubard	Lupton	Parker J S	Walters
Cheney	Gray	MacGregor	Partridge	Ward
Clarke	Green	Manley	Perkins	Waters
Colné	Gunderman	Marks	Phillips C W	Weaver
Conklin	Hackett	Marlatt	Phillips J S	Weber
Costello	Hammond	Martin	Robinson	Weimert
Cuvillier	Hamm	McCue	Rozan	Wende
De Groot	Hawley	McElligott	Sanner	White L H
Donnelly	Hemenway	McFarlane	Sargent	Whitley
Draper	Herrick	McGrath	Schmidt	Whitney
Duell	Hoey	McInerney	Schutta	Williams
Eagleton	Howard	McKeon	Scott	Wood
Edwards	Jackson	McLaughlin	Shea	Yale
Evans	Jordan	Mead	Smith A E	Young F L

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendments of the Senate thereto.

The Senate returned the Assembly bill (No. 1865, Senate reprint No. 1494, Int. No. 1164), entitled "An act to amend the Greater New York charter, in relation to regulating and licensing public dancing academies," with a message that they have concurred in the passage of the same, with the following amendment:

Page 2, line 6, strike out the word "or", the third word in line, and insert in place thereof the word "and".

Objection being made to the immediate consideration of said message,

Ordered, That said bill together with said message be referred to the committee on rules.

The Senate returned the Assembly bill (No. 1668, Senate reprint No. 1332, Int. No. 713), entitled "An act to amend the Forest, Fish and Game Law, in relation to the preparation annually of a summary or digest of such law," with a message that they have concurred in the passage of the same, with the following amendments:

Page 2, line 10, strike out the words "Two hundred thousand" and insert in place thereof "A sufficient number of".

Page 2, line 11, strike out the word "of".

Page 2, line 12, strike out the words "a suffi-".

Page 2, line 13, strike out the words "cient number".

Page 2, line 14, after the word "balance" insert the words "if any".

Mr. Martin moved to concur in the Senate amendments.

Mr. Speaker put the question whether the House would concur in said amendments, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 135

NOES 00

Those who voted in the affirmative were:

Allen	Farrar	Joseph	Merritt	Smith C
Barden	Fay	Klein	Millen	Smith F L
Bates	Filley	Lachman	Miller J L	Smith M
Baumann	Foley	Lanahan	Miller W G	Staley
Baumes	Francis	Lansing	Murphy C F	Stein
Bennett	Frisbie	Lazarus	Murphy F J	Stern



Bohan	Garbe	Lee	Murray	Sullivan
Boshart	Geoghegan	Leffingwell	Neupert	Surpless
Brady	Gillen	Levy A J	Nolan	Thompson
Brennan	Glore	Levy J	Odell	Thorn
Brown C F	Glück	Lewis	Oliver	Travis
Brown G W	Goldberg	Lowe	O'Neil	Voss
Burhyte	Goodspeed	Lowman	Parker F B	Waddell
Caughlan	Graubard	Lupton	Parker J S	Walters
Cheney	Gray	MacGregor	Partridge	Ward
Clarke	Green	Manley	Perkins	Waters
Colne	Gunderman	Marks	Phillips C W	Weaver
Conklin	Hackett	Marlatt	Phillips J S	Weber
Costello	Hammond	Martin	Robinson	Weimert
Cuvillier	Hamn	McCue	Rozan	Wende
De Groot	Hawley	McElligott	Sanner	White L H
Donnelly	Hemenway	McFarlane	Sargent	Whitley
Draper	Herrick	McGrath	Schmidt	Whitney
Duell	Hoey	McInerney	Schutta	Williams
Eagleton	Howard	McKeon	Scott	Wood
Edwards	Jackson	McLaughlin	Shea	Yale
Evans	Jordan	Mead	Smith A E	Young F L

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendments of the Senate thereto.

A message was received from the Senate, in words following:

IN SENATE, *April 29, 1909.*

Pursuant to concurrent resolution of the Senate and Assembly, the Governor returned the Senate bill (No. 830, Rec. No. 189), entitled "An act to provide for the election of a police justice in certain of the towns of this State."

The vote upon the final passage of the said bill having been reconsidered, on motion of Mr. Schlosser, and by unanimous consent, the same was amended as follows:

Strike out all and substitute Senate bill No. 1575.

Said bill, as amended, the necessity for the immediate passage of the same having been certified by the Governor, was passed and ordered sent to the Assembly for concurrence.

By order of the Senate,

LAFAYETTE B. GLEASON,  
*Clerk.*

A message from the Governor was received and read, in words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER.

*To the Legislature:*

It appearing to my satisfaction that the public interest requires it;

Therefore, In accordance with the provisions of section fifteen of article three of the Constitution and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Senate bill No. 830 (Int. No. 729), as amended, entitled "An act to provide for the election of a police justice in certain of the towns of this State."

Given under my hand and the privy seal of the State at the Capitol, in the city of Albany, this twenty-ninth day of April, in the year of our Lord one thousand nine hundred and nine.

(Signed.) CHARLES E. HUGHES.

By the Governor:

ROBERT H. FULLER,

*Secretary to the Governor.*

Said bill was then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, the necessity for the immediate passage of the same having been certified by the Governor, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 143

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Klein	Miller W G	Smith M
Barden	Fellows	Lachman	Murphy C F	Spielberg
Bates	Filley	Lanahan	Murphy F J	Stein
Baumann	Foley	Lansing	Murray	Stern
Baumes	Fowler	Lazarus	Neupert	Sullivan
Bennett	Francis	Lee	Nolan	Surpluss
Bohan	Frisbie	Leffingwell	Odell	Thompson
Boshart	Garbe	Levy A J	Oliver	Thorn
Brady	Geoghegan	Levy J	O'Neil	Todd
Brennan	Gillen	Lewis	Parker F B	Toombs
Brown C F	Glore	Lowe	Parker J S	Travis
Brown G W	Glück	Lowman	Partridge	Voss
Burhyte	Goldberg	Lupton	Perkins	Waddell
Callan	Goodspeed	MacGregor	Phillips C W	Walters
Caughlan	Graubard	Manley	Phillips J S	Ward
Cheney	Gray	Marks	Robinson	Waters
Clarke	Green	Marlatt	Rozan	Weaver
Colné	Gunderman	Martin	Sanner	Weber
Conklin	Hackett	McCue	Sargent	Weimert
Costello	Haines	McElligott	Schmidt	Wende
Cuvillier	Hammond	McFarlane	Schutta	White L H
De Groot	Hamn	McGrath	Scott	Whitley
Donnelly	Hawley	McInerney	Shea	Whitney
Draper	Hemenway	McKeon	Sheridan	Williams

Duell	Hoey	McLaughlin	Silbermann	Wood
Eagleton	Howard	Mead	Smith A E	Yale
Edwards	Jackson	Merritt	Smith C	Young E
Evans	Jordan	Millen	Smith F L	Young F L
Farrar	Joseph	Miller J L		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have reconsidered their vote on the final passage of said bill, and, as amended, have again passed the same.

A message was received from the Senate, in words following:

IN SENATE, *April 29, 1909.*

Pursuant to concurrent resolution of the Senate and Assembly, the Governor returned the Senate bill (No. 344, Rec. No. 68), entitled "An act to amend section six of the Land Title Registration Law, chapter four hundred and forty-four of the Laws of nineteen hundred and eight, in relation to the powers of an assistant deputy register."

The vote upon the final passage of the said bill having been reconsidered, on motion of Mr. Grady, and by unanimous consent, the same was amended by substituting the following:

"An act to amend section three hundred and seventy-four of the 'Real Property Law,' chapter fifty-two of the Laws of nineteen hundred and nine, in relation to the powers of an assistant deputy register.

*"The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

"Section 1. Section three hundred and seventy-four of chapter fifty-two of the Laws of nineteen hundred and nine, the 'Real Property Law,' is hereby amended to read as follows:

"§ 374. Deputy registrars' powers and duties.—In any county where the business under this article so requires, the registrar may appoint a chief deputy and as many other deputies as are needed. But no one unless he is also a deputy registrar or an assistant deputy appointed under statutory authority, or a deputy county clerk, shall be appointed as such deputy registrar unless he is an 'official examiner of title' as described and required by section three hundred and seventy-seven of this chapter. Deputies may perform any and all duties of the registrar in the name of the registrar, and the acts of such deputies shall be held to be the acts of the registrar, and in case of the death of the registrar, or his removal from office, the chief deputy shall thereupon become the acting registrar until such vacancy shall be filled according to law, and he shall file a like bond and be vested with



the same powers and subject to the same responsibilities and entitled to the same compensation as in the case of the registrar.

“§ 2. This act shall take effect immediately.”

Said bill, as amended, the necessity for the immediate passage of the same having been certified by the Governor, was passed and ordered sent to the Assembly for concurrence.

By order of the Senate,

LAFAYETTE B. GLEASON,

*Clerk.*

A message from the Governor was received and read, in words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER.

*To the Legislature:*

It appearing to my satisfaction that the public interest requires it;

Therefore, In accordance with the provisions of section fifteen of article three of the Constitution and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Senate bill No. 344 (Int. No. 324), as amended, entitled “An act to amend section six of the Land Title Registration Law, chapter four hundred and forty-four of the Laws of nineteen hundred and eight, in relation to the powers of an assistant deputy register.”

Given under my hand and the privy seal of the State at the Capitol, in the city of Albany, this twenty-ninth day of April, in the year of our Lord one thousand nine hundred and nine.

(Signed.) CHARLES E. HUGHES.

By the Governor:

ROBERT H. FULLER,

*Secretary to the Governor.*

Said bill was then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, the necessity for the immediate passage of the same having been certified by the Governor, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof and three-fifths being present.

AYES 143

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Klein	Miller W G	Smith M
Barden	Fellows	Lachman	Murphy C F	Spielberg
Bates	Filley	Lanahan	Murphy F J	Stein
Baumann	Foley	Lansing	Murray	Stern
Baumes	Fowler	Lazarus	Neupert	Sullivan
Bennett	Francis	Lee	Nolan	Surpless
Bo an	Frisbie	Leffingwell	Odell	Thompson
Boshart	Garbe	Levy A J	Oliver	Thorn
Brady	Geoghegan	Levy J	O'Neil	Todd
Brennan	Gillen	Lewis	Parker F B	Toombs
Brown C F	Glore	Lowe	Parker J S	Travis
Brown G W	Glück	Lowman	Partridge	Voss
Burhyte	Goldberg	Lupton	Perkins	Waddell
Callan	Goodspeed	MacGregor	Phillips C W	Walters
Caughlan	Graubard	Manley	Phillips J S	Ward
Cheney	Gray	Marks	Robinson	Waters
Clarke	Green	Marlatt	Rozan	Weaver
Colné	Gunderman	Martin	Sanner	Weber
Conklin	Hackett	McCue	Sargent	Weimert
Costello	Haines	McElligott	Schmidt	Wende
Cuvillier	Hammond	McFarlane	Schutta	White L H
De Groot	Hamn	McGrath	Scott	Whitley
Donnelly	Hawley	McInerney	Shea	Whitney
Draper	Hemenway	McKeon	Sheridan	Williams
Duell	Hoey	McLaughlin	Silbermann	Wood
Eagleton	Howard	Mead	Smith A E	Yale
Edwards	Jackson	Merritt	Smith C	Young E
Evans	Jordan	Millen	Smith F L	Young F L
Farrar	Joseph	Miller J L		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have reconsidered their vote on the final passage of said bill, and, as amended, have again passed the same.

The Senate returned the concurrent resolution providing for the appointment of a joint committee to examine into the methods of financial administration of State institutions, with a message that they have concurred in the passage of the same amended to read as follows:

Whereas, In his annual message to the Legislature on January sixth, Governor Charles E. Hughes recommended the establishment of a board of control to harmonize wherever practicable the financial operations of State institutions; and

Whereas, The institutions now supported wholly or in part by State funds are divided, so far as their financial administration is concerned, into four groups, one under the State Commission in Lunacy, one under the Fiscal Supervisor of State Charities, one under the Superintendent of Prisons, and one with no financial

supervision beyond the auditing of vouchers by the Comptroller; and

Whereas, The present law compels these institutions to do business with nine separate boards, commissions and departments, viz.: The State Commission in Lunacy, the Fiscal Supervisor of State Charities, the Superintendent of Prisons, the Commission of Prisons, the State Board of Charities, the State Architect, the State Board of Classification, the Salary Classification Commission, and the Building Commission; be it

Resolved (if the Senate concur). That a joint committee of the Senate and Assembly be appointed, consisting of three members of the Senate, to be appointed by the President of the Senate, and five members of the Assembly, to be appointed by the Speaker of the Assembly, to examine into the methods of financial administration and conduct of all institutions, societies or associations in the State which are supported either wholly or in part by State moneys, or which are in any manner an expense to the State, into the functions of any or all State departments concerned in the management, supervision or regulation of any such institutions, the methods of making purchases, fixing salaries, awarding contracts for supplies, buildings, repairs and improvements, the sale of manufactured articles, and the conduct generally of the business of all such institutions and departments, for the purpose of reporting to the next session of the Legislature such laws relating thereto as said committee may deem proper, together with a recommendation as to the propriety of passing an amendment to the Constitution, if such may be deemed necessary, for the unification of a system of financial, administrative control of all State institutions; and said committee shall report to the Legislature on or before the tenth day of March, nineteen hundred and ten; and be it further

Resolved, That said committee is authorized to investigate the verified claims heretofore presented to the Attorney-General on account of services and disbursements as special counsel prior to January first, nineteen hundred and nine; and be it further

Resolved, That said committee is authorized to sit after the adjournment of the Legislature in and outside of the city of Albany, and is hereby authorized and empowered to subpoena and enforce the attendance of witnesses, including public officers and public employees, and to require the production of books and papers, including any public record or document pertaining to the administration of any State institution or of any State Department concerned in the management, regulation, visitation or supervision of the same, to administer oaths, to employ counsel, a stenographer, an expert accountant and such other employees as



may be necessary for the purpose of the investigation, and the actual and necessary expenses of the committee in carrying out the provisions of this resolution, not to exceed fifteen thousand dollars shall be paid from the funds appropriated by the Legislature for such purpose, to be paid by the Treasurer upon the warrant of the Comptroller and the certificate of the chairman and vice-chairman of the committee.

Mr. Merritt moved to concur in the Senate amendments.

Mr. Speaker put the question whether the House would concur in said amendments, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 143

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Klein	Miller W G	Smith M
Barden	Fellows	Lachman	Murphy C F	Spielberg
Bates	Filley	Lanahan	Murphy F J	Stein
Baumann	Foley	Lansing	Murray	Stern
Baumes	Fowler	Lazarus	Neupert	Sullivan
Bennett	Francis	Lee	Nolan	Surpless
Bohan	Frisbie	Leffingwell	Odell	Thompson
Boshart	Garbe	Levy A J	Oliver	Thorn
Brady	Geoghegan	Levy J	O'Neil	Todd
Brennan	Gillen	Lewis	Parker F B	Toombs
Brown C E	Glore	Lowe	Parker J S	Travis
Brown G W	Glück	Lowman	Partridge	Voss
Burhyte	Goldberg	Lupton	Perkins	Waddell
Callan	Goodspeed	MacGregor	Phillips C W	Walters
Caughlan	Graubard	Manley	Phillips J S	Ward
Cheney	Gray	Marks	Robinson	Waters
Clarke	Green	Marlatt	Rozan	Weaver
Colné	Gunderman	Martin	Sanner	Weber
Conklin	Hackett	McCue	Sargent	Weimert
Costello	Haines	McElligott	Schmidt	Wende
Cuvillier	Hammond	McFarlane	Schutta	White L H
De Groot	Hamm	McGrath	Scott	Whitley
Donnelly	Hawley	McInerney	Shea	Whitney
Draper	Hemenway	McKeon	Sheridan	Williams
Duell	Hoey	McLaughlin	Silbermann	Wood
Eagleton	Howard	Mead	Smith A E	Yale
Edwards	Jackson	Merritt	Smith C	Young E
Evans	Jordan	Millen	Smith F L	Young F L
Farrar	Joseph	Miller J L		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendments of the Senate thereto.

A communication from the Governor was received and read, in the words following:

## STATE OF NEW YORK — EXECUTIVE CHAMBER,

ALBANY, April 23, 1909.

*To the Assembly:*

Pursuant to concurrent resolution of the Senate and Assembly, herewith is returned for amendment Assembly bill (No. 1492, Int. No. 1007), entitled "An act to amend section two thousand three hundred and sixty-two of the Code of Civil Procedure, relative to fixing the proportional value of prior right or estate."

CHARLES E. HUGHES.

A communication from the Governor was received and read, in the words following:

## STATE OF NEW YORK — EXECUTIVE CHAMBER,

ALBANY, April 28, 1909.

*To the Assembly:*

Pursuant to concurrent resolution of the Senate and Assembly, herewith is returned for amendment Assembly bill (No. 107, Int. No. 107), entitled "An act to amend the Forest, Fish and Game Law, in relation to the use of tip-ups in the waters of Greene county."

CHARLES E. HUGHES.

A communication from the Governor was received and read, in the words following:

## STATE OF NEW YORK — EXECUTIVE CHAMBER,

ALBANY, April 28, 1909.

*To the Assembly:*

Pursuant to concurrent resolution of the Senate and Assembly, herewith is returned for amendment Assembly bill (No. 717, Int. No. 672), entitled "An act to release certain State lands to the city of Middletown and town of Wallkill, respectively, in the county of Orange, upon certain conditions."

CHARLES E. HUGHES.

A communication from the Governor was received and read, in the words following:

## STATE OF NEW YORK — EXECUTIVE CHAMBER,

ALBANY, April 28, 1909.

*To the Assembly:*

Pursuant to concurrent resolution of the Senate and Assembly, herewith is returned for amendment Assembly bill (No. 2010, Int. No. 1082), entitled "An act to make the office of supervisor in the county of Livingston a salaried office, to provide for the manner of auditing and paying accounts against the county, and to regulate generally the finances thereof."

CHARLES E. HUGHES.

A communication from the Governor was received and read, in the words following:

## STATE OF NEW YORK — EXECUTIVE CHAMBER,

ALBANY, April 28, 1909.

*To the Assembly:*

Pursuant to concurrent resolution of the Senate and Assembly, herewith is returned for amendment Assembly bill (No. 1239, Int. No. 1085), entitled "An act to amend the Town Law, in relation to town charges in the county of Genesee."

CHARLES E. HUGHES.

A communication from the Governor was received and read, in the words following:

## STATE OF NEW YORK — EXECUTIVE CHAMBER,

ALBANY, April 28, 1909.

*To the Assembly:*

Pursuant to concurrent resolution of the Senate and Assembly, herewith is returned for amendment Assembly bill (No. 1240, Int. No. 1086), entitled "An act to amend the County Law, in relation to the bond of the treasurer of Genesee county."

CHARLES E. HUGHES.

A communication from the Governor was received and read, in the words following:



## STATE OF NEW YORK — EXECUTIVE CHAMBER,

ALBANY, April 28, 1909.

*To the Assembly:*

Pursuant to concurrent resolution of the Senate and Assembly, herewith is returned for amendment Assembly bill (No. 2008, Int. No. 895), entitled "An act to amend the Election Law, relative to election officers."

CHARLES E. HUGHES.

Mr. Evans offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That Assembly bill (No. 717, Int. No. 672), entitled "An act to release certain State lands to the city of Middletown and town of Wallkill, respectively, in the county of Orange, upon certain conditions," be returned to the Governor.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. F. B. Parker offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That Assembly bill (No. 2010, Int. No. 1082), entitled "An act to make the office of supervisor in the county of Livingston a salaried office, to provide for the manner of auditing and paying accounts against the county, and to regulate generally the finances thereof," be returned to the Governor.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. W. G. Miller offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That a respectful message be sent to the Governor, requesting the return to the Assembly of

Assembly bill (No. 132, Int. No. 132), entitled "An act to provide for the election of a surrogate in the county of Nassau, and to fix the salary of said surrogate," for the purposes of amendment.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. W. G. Miller offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That a respectful message be sent to the Governor, requesting the return to the Assembly of Assembly bill (No. 1711, Int. No. 1395), entitled "An act to authorize the board of trustees of the village of Hempstead, Nassau county, New York, to regulate the construction, alteration or removal of all buildings and structures, and also to regulate the construction, alteration or removal of plumbing and drainage systems in said village of Hempstead," for the purposes of amendment.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. Brady offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That Assembly bill (No. 107, Int. No. 107), entitled "An act to amend the Forest, Fish and Game Law, in relation to the use of tip-ups in the waters of Greene county," be returned to the Governor.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. Toombs offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That Assembly bill (No. 1492, Int. No. 1007), entitled "An act to amend section two thousand three hundred and sixty-two of the Code of Civil Procedure, relative to fixing the proportional value of prior right or estate," be returned to the Governor.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. Weaver offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That Assembly bill (No. 1018, Int. No. 911), entitled "An act to amend chapter six hundred and nineteen of the Laws of nineteen hundred and six, entitled 'An act to authorize the Comptroller of the State of New York to hear and determine the application of J. G. Stevens for the cancellation of the tax sale of eighteen hundred and seventy-seven of a portion of lot number fifty-nine of township number six, in the old military tract, in the town of Ellenburgh, county of Clinton,' generally," be returned to the Governor.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. Walters offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That Assembly bill (No. 2008, Int. No. 895), entitled "An act to amend the Election Law, relative to election officers," be returned to the Governor.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. F. B. Parker offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That Assembly bill (No. 1240, Int. No. 1086), entitled "An act to amend the County Law, in relation to the bond of the treasurer of Genesee county," be returned to the Governor.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.



Mr. F. B. Parker offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That Assembly bill (No. 1239, Int. No. 1085), entitled "An act to amend the Town Law, in relation to town charges in the county of Genesee," be returned to the Governor.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

The Senate returned the Assembly bill (No. 945, Senate reprint No. 1458, Int. No. 846), entitled "An act to amend the Greater New York charter, relative to the powers of the commissioners of the sinking fund of the city of New York, in their discretion, to cancel and annul taxes, assessments, Croton water rents, et cetera, in certain cases."

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of New York.

Also, Assembly bill (No. 1375, Senate reprint No. 1483, Int. No. 1187), entitled "An act making an appropriation for the expenses of delegates to the National Guard Convention at Los Angeles, California."

Ordered, That the Clerk deliver said bill to the Governor.

Also, Assembly bill (No. 2053, Senate reprint No. 1525, Int. No. 950), entitled "An act to amend the General Business Law, relative to employment agencies."

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the cities of New York and Buffalo.

Also, Assembly bill (No. 2138, Senate reprint No. 1504, Int. No. 1612), entitled "An act to amend chapter one hundred and thirty-five of the Laws of eighteen hundred and eighty-four, entitled 'An act providing for the better collection of taxes in the county of Erie; for the sale by the treasurer thereof of lands in said county for unpaid taxes, and regulating the compensation of said treasurer,' generally."

Also, Assembly bill (No. 732, Senate reprint No. 1490, Int. No. 681), entitled "An act to amend the State Printing Law, in relation to publication of reports."

Also, Assembly bill (No. 2044, Senate reprint No. 1457, Int. No. 1566), entitled "An act to amend chapter four hundred and ninety-six of the Laws of nineteen hundred and eight, entitled 'An act creating the office of purchasing agent for the county of Herkimer, and prescribing his powers and duties,' generally."

Ordered, That the Clerk deliver said bills to the Governor.

Also, the bill (No. 1614, Int. No. 100), entitled "An act to amend section fourteen hundred and nineteen of the Greater New York charter, in relation to the jurisdiction of the Courts of Special Sessions of the first and second divisions," with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of New York.

Also, the bill (No. 2398, Int. No. 1768), entitled "An act authorizing the use of the State hospital site at Comstock for prison purposes, providing for the construction, management, equipment and maintenance of a State prison on said site and making an appropriation therefor."

Also, the bill (No. 2341, Int. No. 1737), entitled "An act to authorize the village of Middleburgh, in Schoharie county, to acquire the title of an old and abandoned burying ground in the village, and to establish and maintain a public park or square thereon."

Also, the bill (No. 2351, Int. No. 1747), entitled "An act to amend the Public Health Law, in relation to the application of certain provisions to the village of Saranac Lake and the town and village of Liberty, in the county of Sullivan."

Also, the bill (No. 2210, Int. No. 1488), entitled "An act to amend the County Law, in relation to the establishment and maintenance of county hospitals for the care of persons suffering from the disease known as tuberculosis."

Also, the bill (No. 1672, Int. No. 1276), entitled "An act to amend the Agricultural Law, entitled 'An act in relation to agriculture, constituting chapter one of the Consolidated Laws,' in relation to samples of milk that have been tested at butter and cheese factories and to licenses to be issued by the Commissioner of Agriculture."

Also, the bill (No. 2196, Int. No. 1659), entitled "An act to provide for the publication of an official edition of the Consolidated Laws."

Also, the bill (No. 1725, Int. No. 296), entitled "An act to amend the Code of Civil Procedure, in relation to the satisfaction of judgments."

Also, the bill (No. 1801, Int. No. 1148), entitled "An act to amend the Town Law, relative to lands for burial purposes."

Also, the bill (No. 1728, Int. No. 981), entitled "An act to amend the Code of Civil Procedure, relative to time in the service of amended pleadings."

Also, the bill (No. 1090, Int. No. 972), entitled "An act to amend the Code of Criminal Procedure, in relation to compensation of counsel in certain cases."

Also, the bill (No. 1722, Int. No. 808), entitled "An act to amend the Military Law, in relation to the commissioned officers of the National Guard."

Also, the bill (No. 1102, Int. No. 984), entitled "An act to amend the Tax Law, in relation to the assessment of waste or barren lands which have been planted with trees," with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk deliver said bills to the Governor.

The Senate returned the Senate bill (No. 1397, Assembly reprint No. 2374, Rec. No. 274), entitled "An act to amend the Second Class Cities Law, in relation to creating a buildings department."

Also, the Senate bill (No. 987, Assembly reprint No. 2355, Rec. No. 235), entitled "An act to amend the Insurance Law, in relation to the admission of minors as members of fraternal beneficiary societies, orders or associations."

Also, Senate bill (No. 840, Assembly reprint No. 2059, Rec. No. 157), entitled "An act to amend the charter of the village of Bath, in relation to claims against the village, and electric wires."

Also, Senate bill (No. 964, Assembly reprint No. 2369, Rec. No. 293), entitled "An act to amend the Real Property Law and the Membership Corporations Law, in relation to the acquisition of lands for cemetery purposes in certain counties."



Also, Senate bill (No. 730, Assembly reprint No. 2359, Rec. No. 171), entitled "An act to amend the Code of Civil Procedure, in relation to payment of moneys deposited in court in actions for partition," with a message that they have concurred in the amendments of the Assembly made thereto.

Ordered, That the Clerk return said bills to the Senate.

Also, the bill (No. 1569, Int. No. 142), entitled "An act to amend chapter five hundred and eighty of the Laws of nineteen hundred and two, entitled 'An act in relation to the Municipal Court of the city of New York, its officers and marshals,' in relation to procedure in certain actions," with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of New York.

Also, the bill (No. 148, Int. No. 148), entitled "An act providing for the construction of a lift or hoist bridge over the Erie canal, on Seneca street, in the city of Utica, and making an appropriation therefor, and authorizing the city of Utica to raise money for the construction thereof," with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of Utica.

Also, the bill (No. 545, Int. No. 513), entitled "An act to provide for changing and straightening the channel of Starch Factory creek in the city of Utica and for constructing a new concrete masonry culvert to carry said creek underneath and across Broad street in said city, at a new location, and making an appropriation therefor."

Also, the bill (No. 1248, Int. No. 1094), entitled "An act to amend the Civil Service Law, in relation to the place of residence of certain appointees in the service of the State."

Also, the bill (No. 1297, Int. No. 886), entitled "An act to amend the Tax Law, in relation to taxable transfers."

Also, the bill (No. 582, Int. No. 548), entitled "An act to amend the Forest, Fish and Game Law, in relation to the close season for perch in the county of Saratoga."

Also, the bill (No. 1374, Int. No. 1186), entitled "An act to provide for the erection of a suitable iron fence around the

monument erected by the Society of Colonial Wars on the Lake George battle ground park, owned by the State of New York, and for the construction of a suitable footpath from the Lake George beach to the said monument, and for the cleaning up of the paths and roads around the said park."

Also, the bill (No. 1368, Int. No. 1180), entitled "An act to amend the Code of Civil Procedure, in relation to bail with a corporate surety."

Also, the bill (No. 1236, Int. No. 1081), entitled "An act to amend the Tax Law, in relation to the collection of taxes."

Also, the bill (No. 1351, Int. No. 236), entitled "An act to provide for dredging Powell creek in the county of Nassau, for widening and deepening the channel thereof, and making an appropriation therefor."

Also, the bill (No. 469, Int. No. 277), entitled "An act to provide a survey and plans for the acquisition of harbor terminals by the State in the port of New York, by the construction of an artificial waterway between Flushing and Jamaica bays, and providing an appropriation therefor."

Also, a bill (No. 1301, Int. No. 664), entitled "An act to amend the Forest, Fish and Game Law, in relation to open season for woodcock in certain localities."

Also, the bill (No. 689, Int. No. 644), entitled "An act to provide for the repair and improvement of existing mechanical and other structures and works on and connected with the canals of the State."

Also, the bill (No. 2091, Int. No. 1593), entitled "An act to authorize the Commissioners of the Land Office to grant or release to the town of Stony Point the right, title and interest of the State in and to a strip of land in the town of Stony Point, Rockland county, New York, for highway purposes."

Also, the bill (No. 1830, Int. No. 860), entitled "An act to amend the Penal Law, in relation to corporations practicing law."

Also, the bill (No. 1994, Int. No. 270), entitled "An act making an appropriation for the Commissioner of Agriculture, for expenses and indemnities incurred in the suppression of foot and mouth disease."

Also, the bill (No. 1849, Int. No. 1463), entitled "An act to provide for the refunding of certain taxes erroneously paid into the State treasury by the Syracuse, Binghamton and New York Railroad Company."

Also, the bill (No. 1902, Int. No. 1323), entitled "An act to amend the Code of Civil Procedure, in relation to the jurisdiction of the Court of Claims."

Also, the bill (No. 1343, Int. No. 1170), entitled "An act to amend the Village Law, in relation to the construction of sidewalks."

Also, the bill (No. 1909, Int. No. 1038), entitled "An act to amend the State Finance Law, in relation to purchases for the State of lands sold under foreclosure of mortgages held by the loan commissioners of the United States deposit fund."

Also, the bill (No. 1869, Int. No. 1117), entitled "An act to amend the Tax Law, in relation to exemptions from taxable transfers."

Also, the bill (No. 1045, Int. No. 941), entitled "An act to amend the Tax Law, relative to deduction from special franchise tax for local purposes."

Also, the bill (No. 1270, Int. No. 173), entitled "An act to amend the Penal Law, in relation to carrying and use of dangerous weapons," with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk deliver said bills to the Governor.

Also, the bill (No. 2376, Int. No. 1373), entitled "An act to amend chapter six hundred and sixty-six of the Laws of eighteen hundred and ninety-three, entitled 'An act to revise, amend, and consolidate the several acts relating to the village of Canandaigua, and to repeal certain acts and parts of acts,' and the several acts amendatory thereof, generally," with a message that they have reconsidered their vote by which said bill was passed, and, as amended, have again passed the same.

Ordered, That the Clerk deliver said bill to the Governor.

Also, the bill (No. 2173, Reprint No. 2375, Int. No. 205), entitled "An act to amend the Code of Criminal Procedure, relative to the appointment of stenographers to take evidence before grand juries and at coroner's inquests and examinations and



trials of criminal cases," with a message that they have reconsidered their vote by which said bill passed, and, as amended, have again passed the same.

Ordered, That the Clerk deliver said bill to the Governor.

Also, the bill (No. 2360, Int. No. 1701), entitled "An act to amend the Highway Law, in relation to the preliminary resolution of the board of supervisors and what highways or sections thereof may be included therein."

Also, the bill (No. 1612, Int. No. 821), entitled "An act to amend chapter one hundred and three of the Laws of nineteen hundred and six, entitled 'An act to make the office of county clerk of Ulster county a salaried office, and regulating the management of said office,' relative to an additional assistant."

Also, the bill (No. 2245, Int. No. 990), entitled "An act to amend the General Business Law, in relation to standard measures and regulating manufacture of containers."

Also, the bill (No. 2370, Reprint No. 2413, Int. No. 1718), entitled "An act to amend the Highway Law, by repealing article eleven in relation to motor vehicles," with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk deliver said bills to the Governor.

Also, the bill (No. 2006, Int. No. 924), entitled "An act to amend chapter six hundred and fifty of the Laws of nineteen hundred and four, entitled 'An act to revise the charter of the city of Rome,' generally," with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of Rome.

Also, the bill (No. 1024, Int. No. 917), entitled "An act to authorize the commissioners of the sinking fund of the city of New York, to cancel and annul certain assessments made against the property of the Roman Catholic Church of Corpus Christi of the borough of Manhattan, city of New York, heretofore paid by it, and to authorize and provide for the refunding of such payments by the city comptroller," with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of New York.

Also, the bill (No. 1184, Int. No. 1044), entitled "An act to amend the Banking Law, relative to the time within which trust companies shall sell or dispose of stocks of other monied corporations," with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk deliver said bill to the Governor.

The Senate returned the Assembly bill (No. 1617, Senate reprint No. 1546, Int. No. 637), entitled "Concurrent resolution of the Senate and Assembly proposing an amendment to section seven of article seven of the Constitution, in relation to timber and trees on lands constituting the forest preserve."

Ordered, That the Clerk deliver said resolution to the Secretary of State.

Also, Assembly bill (No. 2354, Senate reprint No. 1563, Int. No. 1568), entitled "An act to grant to the city of New York certain lands under water in Jamaica bay and vicinity."

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of New York.

Also, Assembly bill (No. 1927, Senate reprint No. 1486, Int. No. 1503), entitled "An act to amend the Greater New York charter, relative to the classification of criminals and misdemeanants, and to cover the New York City Reformatory for Misdemeanants."

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of New York.

Also, Assembly bill (No. 1986, Senate reprint No. 1482, Int. No. 1184), entitled "An act to amend the Agricultural Law, in relation to appraisal of diseased animals and compensation to owners of animals destroyed."

Also, Assembly bill (No. 2129, Senate reprint No. 1513, Int. No. 1387), entitled "An act to amend the Penal Law, relative to children charged with offenses."

Also, Assembly bill (No. 1995, Senate reprint No. 1551, Int. No. 657), entitled "An act to provide for the enlargement and improvement of the hospital at the New York Soldiers and Sailors' Home at Bath, and providing for the segregation and care of tuberculosis patients therein, and making an appropriation therefor."

Also, Assembly bill (No. 2034, Senate reprint No. 1545, Int. No. 1554), entitled "An act to make the office of the clerk of the county of Richmond a salaried office, and regulating the management of the said office."

Also, Assembly bill (No. 746, Senate reprint No. 1509, Int. No. 695), entitled "An act to amend the Tax Law, in relation to transfer tax clerk in Ulster county."

Also, Assembly bill (No. 2216, Senate reprint, No. 1543, Int. No. 1617), entitled "An act to amend the Agricultural Law, in relation to tuberculin, issuing certificates relative to tuberculin tested cattle and the branding of tuberculosis cattle."

Also, Assembly bill (No. 2213, Senate reprint No. 1544, Int. No. 1596), entitled "An act to amend the Agricultural Law, in relation to oleomargarine and oleaginous substances not made from pure milk or cream from the same."

Ordered, That the Clerk deliver said bills to the Governor.

The Senate returned the Assembly bill (No. 2011, Senate reprint No. 1542, Int. No. 1050), entitled "An act to amend the Labor Law, relative to the use of compressed air in caissons, tunnels and other works, and laborers employed."

Also, Assembly bill (No. 1004, Senate reprint No. 1514, Int. No. 900), entitled "An act to amend the Forest, Fish and Game Law, in relation to the open season for hares and rabbits in Richmond county."

Also, Assembly bill (No. 2285, Senate reprint No. 1515, Int. No. 1559), entitled "An act to amend the Public Health Law, relative to the practice of pharmacy."

Also, Assembly bill (No. 828, Senate reprint No. 1336, Int. No. 757), entitled "An act to amend the Military Law, in relation to pay and allowances."

Also, Assembly bill (No. 2058, Senate reprint No. 1552, Int. No. 1017), entitled "An act to amend the Labor Law, relative to the employment of minors in dangerous employment and forbidding such employment."

Also, Assembly bill (No. 1806, Int. No. 1226), entitled "An act to amend the State Finance Law, in relation to securities given and deposit of money in banking institutions," with a message



that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk deliver said bills to the Governor.

Also, the bill (No. 1748, Int. No. 434), entitled "An act to amend the Greater New York charter, relative to vacations of employees," with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of New York.

Also, Assembly bill (No. 46, Senate reprint No. 1538, Int. No. 46), entitled "An act in relation to railroads, constituting chapter forty-nine of the Consolidated Laws."

Also, Assembly bill (No. 1604, Senate reprint No. 1541, Int. No. 1335), entitled "An act to amend the Poor Law, in relation to poor children."

Also, Assembly bill (No. 1132, Senate reprint No. 1484, Int. No. 887), entitled "An act making appropriations for repairs, renewals and betterments for the several State prisons, the Matteawan State Hospital for Insane Criminals and the Dannemora State Hospital for Insane Convicts."

Also, Assembly bill (No. 1668, Senate reprint No. 1332, Int. No. 713), entitled "An act to amend the Forest, Fish and Game Law, in relation to the preparation annually of a summary or digest of such law."

Ordered, That the Clerk deliver said bills to the Governor.

Also, the bill (No. 1942, Int. No. 1531), entitled "An act to amend chapter twenty-two of the Laws of nineteen hundred and nine, entitled 'An act in relation to the elections, constituting chapter seventeen of the Consolidated Laws,' in relation to the powers, duties and salaries of the State Superintendent of Elections and his appointees," with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk deliver said bill to the Governor.

Also, the bill (No. 2197, Int. No. 1660), entitled "An act to amend chapter seven hundred and fifty-five of the Laws of nineteen hundred and seven, entitled 'An act constituting the charter of the city of Rochester,' in relation to the Municipal Court,"

with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of Rochester.

Also, the bill (No. 2155, Int. No. 1630), entitled "An act to amend the Greater New York charter, in relation to licenses to auctioneers and providing a penalty for violation," with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of New York.

Also, the bill (No. 1072, Int. No. 66), entitled "An act to permit the board of estimate and apportionment of the city of New York to place a portion of Bushwick avenue in the borough of Brooklyn under the care, custody, control and maintenance of the department of parks in the city of New York," with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of New York.

Also, the bill (No. 2325, Int. No. 1735), entitled "An act to repeal chapter three hundred and forty of the Laws of nineteen hundred and eight, entitled 'An act to amend title six of chapter two hundred and three of the Laws of nineteen hundred and seven, entitled "An act to revise and amend the charter of the city of Newburgh," being chapter five hundred and forty-one of the Laws of eighteen hundred and sixty-five, and the several acts amendatory thereof and supplemental thereto,' " with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of Newburgh.

Also, the bill (No. 2201, Int. No. 1664), entitled "An act to amend chapter seven hundred and fifty-five of the Laws of nineteen hundred and seven, entitled 'An act constituting the charter of the city of Rochester,' in relation to claims for damages for change of grade," with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of Rochester.

Also, the bill (No. 2254, Int. No. 1353), entitled "An act to authorize the several towns in the county of Suffolk to establish police districts outside the limits of any incorporated village therein, and to elect within such districts by ballot one police justice, three commissioners, and to provide for police patrolmen within said districts."

Also, the bill (No. 2261, Int. No. 1693), entitled "An act to legalize, ratify and confirm the proceedings of the trustees and officers and legal voters of the village of Valatie, relative to the issuance and sale of certain bonds of said village of Valatie."

Also, the bill (No. 2252, Int. No. 1295), entitled "An act to amend the Religious Corporations Law, in relation to property of extinct churches."

Also, the bill (No. 2203, Int. No. 1327), entitled "An act to amend the Code of Civil Procedure, in relation to removal of tenants and certain occupants."

Also, the bill (No. 2198, Int. No. 1661), entitled "An act to amend the Judiciary Law, in relation to the salary of the stenographer of the County Court of Monroe county."

Also, the bill (No. 1957, Int. No. 1505), entitled "An act to provide for the paving and improvement of streets in the village of Hoosick Falls, Rensselaer county, and to provide for the method and means of paying therefor."

Also, the bill (No. 2134, Int. No. 769), entitled "An act to amend section twenty-eight hundred and eighteen of the Code of Civil Procedure, in relation to the appointment of a successor trustee."

Also, the bill (No. 2060, Int. No. 267), entitled "An act to complete the construction of such dike or dikes as are necessary for the protection of property adjacent to the Delaware river in the city of Port Jervis, by the completion of the work begun under chapter seven hundred and sixteen of the Laws of nineteen hundred and four, and making an appropriation therefor."

Also, the bill (No. 2300, Int. No. 1626), entitled "An act to amend the County Law, in relation to fire districts situated in two or more counties."



Also, the bill (No. 2262, Int. No. 1695), entitled "An act to amend the Forest, Fish and Game Law, in relation to taking bass in certain waters of Allegany county."

Also, the bill (No. 2111, Int. No. 284), entitled "An act to legalize, validate and confirm all acts and proceedings of the board of trustees of the village of Waterloo, Seneca county, relating to the establishment of a sewer system and disposal plant in said village, and to submission to the voters of said village of a proposition for the construction of said sewer system and disposal plant, and for an appropriation of one hundred thousand dollars, or such part thereof as might be required for the construction thereof, and to the purchase of lands for said sewer system and disposal plant, and to the making of contracts for the construction of same, and to the issue and sale of bonds to the amount of ninety thousand dollars for the payment of the expenses thereof, and to legalize and validate the adoption of a proposition, submitted at a special election held in said village on the twenty-seventh day of May, nineteen hundred and eight, to authorize the construction of said complete sewer system and disposal plant and the issuing of bonds not exceeding one hundred thousand dollars for such purposes, and to legalize and validate the sale heretofore made by said village of said bonds, and to provide for the delivery of the same or a resale thereof, and to legalize and validate the said bonds, and to authorize the said village of Waterloo to raise annually by tax the sums necessary to pay said bonds and the interest thereon, and to provide a sewer commission for such village to continue the construction of such sewer system and disposal plant."

Also, the bill (No. 2215, Int. No. 1553), entitled "An act to amend section three of chapter thirty-six of the Laws of nineteen hundred and nine, entitled 'An act relating to labor, constituting chapter thirty-one of the Consolidated Laws.'"

Also, the bill (No. 2222, Int. No. 1671), entitled "An act to legalize bonds of the village of Canajoharie, New York, issued and to be issued for the following purposes, namely: Defraying the expense of establishing a system of waterworks in and for said village and supplying its inhabitants with water, defraying the expense of paving and curbing Church street in said village and

providing said street with a storm sewer, defraying the expense of constructing a fifteen-duct conduit in said village for the purpose of providing underground accommodations for public service wires and cables, and to legalize all proceedings of the board of trustees of said village in relation and subsequent thereto, and to provide for the principal and interest of said bonds, and to legalize all proceedings of the board of trustees in relation thereto, including the several resolutions submitted to the qualified electors of said village at special elections held on the thirtieth day of June, nineteen hundred and eight, on the twenty-eighth day of August, nineteen hundred and eight, on the tenth day of October, nineteen hundred and eight, and on the thirtieth day of January, nineteen hundred and nine, and legalizing the vote on each and all of said propositions submitted at the said special elections as aforesaid," with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk deliver said bills to the Governor.

The Senate sent for concurrence a resolution, in the words following:

IN SENATE, ALBANY, *April 29, 1909.*

Resolved (if the Assembly concur), That the thanks of the Legislature be extended to the Honorable Adolph J. Rodenbeck, William B. Hornblower, John G. Milburn and Adelbert Moot, members of the Board of Statutory Consolidation, for their valuable services as members of said board in the preparation of the Consolidated Laws; and

Resolved, That the Clerk of the Senate be directed to cause this resolution to be suitably engrossed and attested and a copy to be presented to each of the members of said board.

By order of the Senate,

LAFAYETTE B. GLEASON,  
*Clerk.*

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk return said resolution to the Senate, with a message that the Assembly have concurred in the passage of the same.

The Senate sent for concurrence a resolution, in the words following:

IN SENATE, ALBANY, *April 29, 1909.*

Resolved (if the Assembly concur), That seventy-five thousand copies each of the bulletins of the Education Department covering the forthcoming Champlain Tercentary and the Hudson-Fulton Celebration, be printed and distributed as follows: One hundred and fifty of each to each Senator, fifty of each to each member of Assembly, and the balance to the Commissioner of Education for distribution among the schools of the State.

By order of the Senate,

LAFAYETTE B. GLEASON,  
*Clerk.*

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

AYES 143

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Klein	Miller W G	Smith M
Barden	Fellows	Lachman	Murphy C F	Spielberg
Bates	Filley	Lanahan	Murphy F J	Stein
Baumann	Foley	Lansing	Murray	Stern
Baumes	Fowler	Lazarus	Neupert	Sullivan
Bennett	Francis	Lee	Nolan	Surpless
Bohan	Frisbie	Leffingwell	Odell	Thompson
Boshart	Garbe	Levy A J	Oliver	Thorn
Brady	Geoghegan	Levy J	O'Neil	Todd
Brennan	Gillen	Lewis	Parker F B	Toombs
Brown C F	Glore	Lowe	Parker J S	Travis
Brown G W	Glück	Lowman	Partridge	Voss
Burhyte	Goldberg	Lupton	Perkins	Waddell
Callan	Goodspeed	MacGregor	Phillips C W	Walters
Caughlan	Graubard	Manley	Phillips J S	Ward
Cheney	Gray	Marks	Robinson	Waters
Clarke	Green	Marlatt	Rozan	Weaver
Colné	Gunderman	Martin	Sanner	Weber
Conklin	Hackett	McCue	Sargent	Weimert
Costello	Haines	McElligott	Schmidt	Wende
Cuvillier	Hammond	McFarlane	Schutta	White L H
De Groot	Hamn	McGrath	Scott	Whitley
Donnelly	Hawley	McInerney	Shea	Whitney
Draper	Hemenway	McKeon	Sheridan	Williams
Duell	Hoe	McLaughlin	Silbermann	Wood
Eagleton	Howard	Mead	Smith A E	Yale
Edwards	Jackson	Merritt	Smith C	Young E
Evans	Jordan	Millen	Smith F L	Young E L
Farrar	Joseph	Miller J L		

Ordered, That the Clerk return said resolution to the Senate, with a message that the Assembly have concurred in the passage of the same.



The Senate sent for concurrence a resolution, in the words following:

IN SENATE, ALBANY, *April 29, 1909.*

Whereas, There have been introduced in the Legislature several bills relating to the nomination of candidates to public office and the conduct of party primaries and conventions, and in relation to nominations to public office by direct vote of the electors, and to amend the Election Law; and

Whereas, Much uncertainty exists concerning the practical and satisfactory working of certain so-called Direct Primary Laws and other laws regulating the nomination of candidates to public office in other States of the United States; and

Whereas, The question of proper regulation of nominations of candidates to public office is of paramount importance to the people of this State and one which deserves the most careful study and consideration, to the end that further legislation safeguarding the interests of the people may be enacted, if necessary; therefore,

Resolved (if the Assembly concur), That a committee of eight be constituted, consisting of three Senators to be appointed by the President of the Senate, and five members of the Assembly, to be appointed by the Speaker of the Assembly, and that such committee be and hereby is directed to examine into, consider and investigate the operation, efficiency and results of the so-called Direct Primary Law for the nomination of candidates for elective offices in other States of the United States as well as the laws of this State regulating the conduct of party primaries and conventions, and, generally into all matters pertaining to the election laws, for the purpose of determining what amendments, if any, to the present law or laws governing primaries and elections are needed to perfect the same or what other or further legislation may be needed upon the subject, and to report its recommendations to the Legislature on or before the first day of February, nineteen hundred and ten, together with proper and necessary bills to carry into effect its recommendations, if such recommendations require it; and be it further

Resolved, That such committee be authorized to sit during the recess of the Legislature and outside of the city of Albany, and that it be and hereby is authorized and empowered to subpoena and enforce the attendance of witnesses, including public officers and employees, to require the production of books and papers, including any public record or document of any municipality of the State, or any public board or body thereof, to employ counsel, stenographic assistants and such other employees as may be necessary for the purposes above set forth; and be it further

Resolved, That the actual and necessary expenses of the committee in carrying out the provisions of this resolution, not exceeding the sum of twenty thousand dollars, shall be paid from the fund appropriated by the Legislature for the contingent expenses thereof, upon the certificate of the chairman and vice-chairman of the committee.

By order of the Senate,

LAFAYETTE B. GLEASON,

*Clerk.*

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

AYES 143

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Klein	Miller W G	Smith M
Barden	Fellows	Lachman	Murphy C F	Spiegelberg
Bates	Filley	Lanahan	urphy F J	Stein
Baumann	Foley	Lansing	Murray	Stern
Baumes	Fowler	Lazaru	Neupert	Sullivan
Bennett	Francis	Lee	Nolan	Surpless
Bohan	Frisbie	Leffingwell	Odell	Thompson
Boshart	Garbe	Levy A J	Oliver	Thorn
Brady	Geoghegan	Levy J	O'Neil	Todd
Brennan	Gillen	Lewis	Parker F B	Toombs
Brown C F	Glore	Lowe	Parker J S	Travis
Brown G W	Glück	Lowman	Partridge	Voss
Burhyte	Goldberg	Lupton	Perkins	Waddell
Callan	Goodspeed	MacGregor	Phillips C W	Walters
Caughlan	Graubard	Manley	Phillips J S	Ward
Cheney	Gray	Marks	Robinson	Waters
Clarke	Green	Marlatt	Rozan	Weaver
Colné	Gunderman	Martin	Sanner	Weber
Conklin	Hackett	McCue	Sargent	Weimert
Costello	Haines	McElligott	Schmidt	Wende
Cuvillier	Hammond	McFarlane	Schutta	White L H
De Groot	Hamm	McGrath	Scott	Whitley
Donnelly	Hawley	McInerney	Shea	Whitney
Draper	Hemenway	McKeon	Sheridan	Williams
Duell	Hoey	McLaughlin	Silbermann	Wood
Eagleton	Howard	Mead	Smith A E	Yale
Edwards	Jackson	Merritt	Smith C	Young E
Evans	Jordan	Millen	Smith F L	Young F L
Farrar	Joseph	Miller J L		

Ordered, That the Clerk return said resolution to the Senate, with a message that the Assembly have concurred in the passage of the same.

The Senate returned the bill (No. 905, Int. No. 668), entitled "An act to amend the Village Law, in relation to incorporation of

villages," with a message that they have adopted the report of the committee of conference thereon, and concurred in the passage of the same without amendments.

Ordered, That the Clerk deliver said bill to the Governor.

The Senate returned the concurrent resolution "providing for the appointment of a joint committee to investigate the matter of extending the jurisdiction of the Public Service Commissions," with a message that they have concurred in the passage of the same.

The Senate returned the concurrent resolution "providing for printing 5,000 additional copies of the report of the State Commission of Immigration," with a message that they have concurred in the passage of the same.

The Senate returned the concurrent resolution "providing for printing 3,000 additional copies of the Report of the State Board of Tax Commissioners for 1907," with a message that they have concurred in the passage of the same.

The Senate returned the concurrent resolution "providing for printing 2,500 copies of the report of the New York Charter Commission," with a message that they have concurred in the passage of the same.

The Senate returned the concurrent resolution returning to the Governor Assembly bill (No. 107, Int. No. 107), entitled "An act to amend the Forest, Fish and Game Law, in relation to the use of tip-ups in the waters of Greene county," with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said bill to the Governor.

The Senate returned the concurrent resolution returning to the Governor Assembly bill (No. 717, Int. No. 672), entitled "An act to release certain State lands to the city of Middletown and town of Wallkill, respectively, in the county of Orange, upon certain conditions," with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said bill to the Governor.

The Senate returned the concurrent resolution returning to the Governor Assembly bill (No. 2010, Int. No. 1082), entitled "An act to make the office of supervisor in the county of Livingston a salaried office, to provide for the manner of auditing and paying



accounts against the county, and to regulate generally the finances thereof," with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said bill to the Governor.

The Senate returned the concurrent resolution returning to the Governor Assembly bill (No. 1239, Int. No. 1085), entitled "An act to amend the Town Law, in relation to town charges in the county of Genesee," with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said bill to the Governor.

The Senate returned the concurrent resolution returning to the Governor Assembly bill (No. 1240, Int. No. 1086), entitled "An act to amend the County Law, in relation to the bond of the treasurer of Genesee county," with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said bill to the Governor.

The Senate returned the concurrent resolution returning to the Governor Assembly bill (No. 2008, Int. No. 895), entitled "An act to amend the Election Law, relative to election officers," with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said bill to the Governor.

The Senate returned the concurrent resolution recalling from the Governor, for the purposes of amendment, Assembly bill (No. 1711, Int. No. 1295), entitled "An act to authorize the board of trustees of the village of Hempstead, Nassau county, New York, to regulate the construction, alteration or removal of all buildings and structures, and also to regulate the construction, alteration or removal of plumbing and drainage systems in said village of Hempstead," with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said resolution to the Governor.

The Senate returned the concurrent resolution recalling from the Governor, for the purposes of amendment, Assembly bill (No. 132, Int. No. 132), entitled "An act to provide for the election of a surrogate in the county of Nassau, and to fix the salary of said surrogate," with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said resolution to the Governor.

The Senate returned the concurrent resolution returning to the

Governor Assembly bill (No. 1018, Int. No. 911), entitled "An act to amend chapter six hundred and nineteen of the Laws of nineteen hundred and six, entitled 'An act to authorize the Comptroller of the State of New York to hear and determine the application of J. G. Stevens for the cancellation of the tax sale of eighteen hundred and seventy-seven of a portion of lot number fifty-nine of township number six, in the old military tract, in the town of Ellenburgh, county of Clinton,' generally," with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said bill to the Governor.

The Senate returned the concurrent resolution returning to the Governor Assembly bill (No. 1492, Int. No. 1007), entitled "An act to amend section two thousand three hundred and sixty-two of the Code of Civil Procedure, relative to fixing the proportional value of prior right or estate," with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said bill to the Governor.

A communication was received from Hon. C. M. Slauson, mayor of the city of Binghamton, returning Assembly bill (No. 621, Int. No. 586), entitled "An act vesting in the city of Binghamton the estate, right, title, interest and property of a portion of the Chenango canal extension lands, for the purpose of a public park," with a message that said mayor, and the common council of said city, after a public hearing thereon, do approve said bill and accept the same.

Ordered, That the Clerk deliver said bill to the Governor.

A communication was received from Hon. Wm. J. Rockefeller, mayor of the city of Rensselaer, returning Assembly bill (No. 1307, Int. No. 298), entitled "An act to amend the charter of the city of Rensselaer, in relation to notice and other procedure and liability of said city in respect to certain actions and causes of action," with a message that said mayor, and the common council of said city, after a public hearing thereon, do approve said bill and accept the same.

Ordered, That the Clerk deliver said bill to the Governor.

A communication was received from Hon. Benjamin Howe, mayor of the city of Mount Vernon, returning Assembly bill (No. 1760, Int. No. 1411), entitled "An act to amend chapter four hundred and two of the Laws of nineteen hundred and three, enti-

tled 'An act to repeal title eight of chapter one hundred and eighty-two of the Laws of eighteen hundred and ninety-two, entitled "An act to incorporate the city of Mount Vernon, and to insert therein a new title relating to the police department of said city,"' as amended by chapter eighty-five of the Laws of nineteen hundred and five," with a message that said mayor, and the common council of said city, after a public hearing thereon, do approve said bill and accept the same.

Ordered, That the Clerk deliver said bill to the Governor.

A communication was received from Hon. Benjamin Howe, mayor of the city of Mount Vernon, returning Assembly bill (No. 1051, Int. No. 944), entitled "An act to create a municipal art commission for the city of Mount Vernon," with a message that said mayor, and the common council of said city, after a public hearing thereon, do approve said bill and accept the same.

Ordered, That the Clerk deliver said bill to the Governor.

A communication was received from Hon. Thomas Wheeler, mayor of the city of Utica, returning Assembly bill (No. 2017, Int. No. 1432), entitled "An act to authorize the commissioner of public works of the city of Utica to remove the bodies from the old cemetery in the Second ward of said city and to acquire title to the lands of said cemetery for said city for school purposes," with a message that said mayor, and the common council of said city, after a public hearing thereon, do approve said bill and accept the same.

Ordered, That the Clerk deliver said bill to the Governor.

Mr. Reed of Cayuga county was excused for the balance of the session.

The privileges of the floor were extended to Hon. A. Grant Blue.

On motion of Mr. Merritt, the House adjourned.

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FRIDAY, APRIL 30, 1909.

The House met pursuant to adjournment.

Prayer by Rev. J. Addison Jones.

On motion of Mr. Merritt, the reading of the journal of yesterday was dispensed with and the same was approved.



Mr. Speaker presented the annual report of the Attorney-General for the year ending December 31, 1908, which was laid upon the table and ordered printed.

(See Senate Document No. 40.)

Mr. Oliver gives notice that he requests that Assembly bill (No. 2057, Senate reprint No. 1481, Int. No. 252), entitled "An act to amend the Education Law, relating to the office of State Historian, and transferring such office to the Education Department," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on third reading.

Mr. Graubard gives notice that he requests that Assembly bill (No. 1855, Senate reprint No. 1494, Int. No. 1164), entitled "An act to amend the Greater New York charter, in relation to regulating and licensing public dancing academies," a copy of which is hereto annexed, be made a special order, and ask that his request be referred to the committee on rules for the purpose of making the said bill a special order on third reading.

Mr. Scott gives notice that he requests that Assembly bill (No. 2324, Int. No. 1734), entitled "An act providing for the establishment of a State school of agriculture and domestic service and kindred subjects at Bainbridge, Chenango county, and making an appropriation therefor," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Toombs gives notice that he requests that the Senate bill introduced by Mr. Brough (No. 1462, Rec. No. 348), entitled "An act to promote the health and efficiency of policemen in cities of the first and second class," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. O'Neil gives notice that he requests that the Senate bill introduced by Mr. Cullen (No. 1492, Rec. No. 362), entitled "An act to amend the Penal Law, in relation to moving picture exhibitions," a copy of which is hereto annexed, be made a special order,

and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. A. E. Smith gives notice that he requests that the Senate bill introduced by Mr. Frawley (No. 1517, Rec. No. 379), entitled "An act to amend the Greater New York charter, in relation to contracts of the department of street cleaning for the removal of snow and ice," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Frisbie gives notice that he requests that the Senate bill introduced by Mr. Grady (No. 1480, Rec. No. 358), entitled "An act to amend the Greater New York charter, relative to powers and duties of the commissioner of street cleaning," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Sheridan gives notice that he requests that the Senate bill introduced by Mr. Grady (No. 1066, Rec. No. 398), entitled "An act to provide for the regulation and improvement of the railroad, terminals and approaches thereto, and of the motive power to be used thereon, of the New York Central and Hudson River Railroad Company in the borough of Manhattan, city of New York, and for discontinuing the use by said company of certain streets, avenues, public parks or places in said borough, at grade, and for such purposes to authorize the city of New York to grant real property, rights and privileges to said railroad company and to acquire other real property, rights and privileges from said railroad company," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Voss gives notice that he requests that the Senate bill introduced by Mr. Grady (No. 575, Rec. No. 372), entitled "An act amending the Greater New York charter, relative to retirement from active service of officer, clerks and employees," a copy of which is hereto annexed, be made a special order, and asks that his

request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Martin gives notice that he requests that the Senate bill introduced by Mr. Hewitt (No. 820, Rec. No. 101), entitled "An act to amend chapter five hundred and seventy-seven of the Laws of eighteen hundred and seventy-five, entitled 'An act to revise and consolidate the several acts relative to public schools in the city of Auburn' in relation to the time, place and manner of making and filing the annual certificate and report of the board of education of said city as to moneys needed for school purposes," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. McInerney gives notice that he requests that the Senate bill introduced by Mr. Meade (No. 1441, Rec. No. 395), entitled "An act to amend the Prison Law, in relation to the location of State prisons," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Whitley gives notice that he requests that the Senate bill introduced by Mr. Meade (No. 1274, Rec. No. 393), entitled "An act to amend the Judiciary Law, in relation to the appointment of confidential clerks by county judges of certain counties," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Whitley gives notice that he requests that the Senate bill introduced by Mr. Meade (No. 1278, Rec. No. 394), entitled "An act to amend the Judiciary Law, in relation to the salary of confidential clerks to certain county judges," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Francis gives notice that he requests that the Senate bill introduced by Mr. Newcomb (No. 1467, Rec. No. 376), entitled "An act to authorize and direct the courthouse board, appointed



pursuant to chapter three hundred and thirty-six of the Laws of nineteen hundred and three, as amended by chapter one hundred and twelve of the Laws of nineteen hundred and five, to fix and determine the site for a courthouse in the county of New York, at and near the site of the present county courthouse; providing for the removal of all buildings except the city hall, from City Hall park; and defining the purposes for which such building shall be erected," a copy of which is hereto annexed, be made a special order, and ask that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Mead gives notice that he requests that the Senate bill introduced by Mr. Wainwright (No. 1549, Rec. No. 396), entitled "An act to legalize and confirm the grant of lands under the waters of Byram river, in the town of Rye, county of Westchester, heretofore made by the Commissioners of the Land Office of the State of New York to Addison Johnson, and releasing the interests of the State of New York therein," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

The Senate sent for concurrence the following entitled bills:

"An act to amend the Liquor Tax Law, in relation to consents that may be granted for the traffic in liquor within two hundred feet of a church or schoolhouse" (No. 911, Rec. No. 399), which was read the first time and referred to the committee on excise.

"An act to amend the Code of Civil Procedure, in relation to certain appeals to, the Court of Appeals" (No. 1122, Rec. No. 400), which was read the first time.

On motion of Mr. Whitney, and by unanimous consent, said bill was read the second time and ordered to a third reading.

On motion of Mr. Whitney, and by unanimous consent, said bill was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 129

NOES 00

Those who voted in the affirmative were:

Allen	Fellows	Joseph	Merritt	Smith F L
Barden	Filley	Klein	Millen	Sullivan
Bates	Foley	Lachman	Miller J L	Surpless
Baumann	Fowler	Lanahan	Miller W G	Thompson
Baumes	Francis	Lansing	Murphy C F	Thorn
Bennett	Frisbie	Lazarus	Murphy F J	Todd
Bohan	Garbe	Lee	Murray	Toombs
Boshart	Geoghegan	Leffingwell	Neupert	Travis
Brady	Glore	Levy A J	Nolan	Voss
Brennan	Glück	Levy J	Odell	Waddell
Brown C F	Goldberg	Lewis	Oliver	Walters
Brown G W	Goodspeed	Lowe	O'Neil	Ward
Burhyte	Graubard	Lowman	Parker F B	Waters
Callan	Gray	Lupton	Parker J S	Weaver
Caughlan	Green	MacGregor	Partridge	Weber
Cheney	Gunderman	Manley	Perkins	Weimert
Clarke	Hackett	Marks	Phillips C W	White E H
Colné	Haines	Marlatt	Reed	White L H
Conklin	Hammond	Martin	Robinson	Whitley
Cuvillier	Hamn	McElligott	Rozan	Whitney
De Groot	Hawley	McFarlane	Sanner	Williams
Donnelly	Hemenway	McGrath	Sargent	Wood
Duell	Herrick	McInerney	Schutta	Yale
Edwards	Hoe	McKeon	Scott	Young E
Evans	Howard	McLaughlin	Smith A E	Y ung F L
Fay	Jackson	Mead	Smith C	

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

"An act to amend the Code of Civil Procedure, in relation to depositions of parties and witnesses not parties to an action" (No. 1465, Rec. No. 401), which was read the first time and referred to the committee on codes.

"An act to amend the Penal Law, in relation to weights and measures" (No. 1380, Rec. No. 402), which was read the first time and referred to the committee on general laws.

"An act to amend the Tax Law, in relation to tax-roll and collector's warrant" (No. 1569, Rec. No. 403), which was read the first time.

On motion of Mr. Merritt, and by unanimous consent, said bill was read the second time and ordered to a third reading.

A message from the Governor was received and read, in words following:

## STATE OF NEW YORK — EXECUTIVE CHAMBER.

*To the Legislature:*

It appearing to my satisfaction that the public interest requires it;

Therefore, In accordance with the provisions of section 15 of article 3 of the Constitution, and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Senate bill No. 1569 (Int. No. 1114), entitled "An act to amend the Tax Law, in relation to tax-roll and collector's warrant."

Given under my hand and the privy seal of the State at the Capitol, in the city of Albany, this twenty-ninth day of April, in the year of our Lord one thousand nine hundred and nine.

CHARLES E. HUGHES.

By the Governor:

ROBERT H. FULLER,

*Secretary to the Governor.*

Said bill was then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, the necessity for the immediate passage of the same having been certified by the Governor, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 129

NOES 00

Those who voted in the affirmative were:

Allen	Fellows	Klein	Millen	Smith F L
Barden	Filley	Lachman	Miller J L	Sullivan
Bates	Foley	Lanahan	Miller W G	Surplless
Baumann	Fowler	Lansing	Murphy C F	Thompson
Baumes	Francis	Lazarus	Murphy F J	Thorn
Bennett	Frisbie	Lee	Murray	Todd
Bohan	Garbe	Leffingwell	Neupert	Toombs
Boshart	Geoghegan	Levy A J	Nolan	Travis
Brady	Glore	Levy J	Odell	Voss
Brennan	Glück	Lewis	Oliver	Waddell
Brown C F	Goldberg	Lowe	O'Neil	Walters
Brown G W	Goodspeed	Lowman	Parker F B	Ward
Burhyte	Graubard	Lupton	Parker J S	Waters
Callan	Gray	MacGregor	Partridge	Weaver
Caughlan W	Green	Manley	Perkins	Weber
Cheney	Gunderman	Marks	Phillips C W	Weimert
Clarke	Hackett	Marlatt	Reed	White E H
Colné	Haines	Martin	Robinson	White L H
Conklin	Hammond	McElligott	Rozan	Whitley



Cuvillier	Hamn	McFarlane	Sanner	Whitney
De Groot	Hawley	McGrath	Sargent	Williams
Donnelly	Hemenway	McInerney	Schutta	Wood
Duell	Hoey	McKeon	Scott	Yale
Edwards	Howard	McLaughlin	Shea	Young E
Evans	Jackson	Mead	Smith A E	Young F L
Fay	Joseph	Merritt	Smith C	

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

“An act amending the Greater New York charter, in relation to the removal, sale or disposal of buildings or parts of buildings and machinery acquired for a public improvement” (No. 1556, Rec. No. 404), which was read the first time.

On motion of Mr. Cuvillier, and by unanimous consent, said bill was read the second time and ordered to a third reading.

A message from the Governor was received and read, in words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER.

*To the Legislature:*

It appearing to my satisfaction that the public interest requires it;

Therefore, In accordance with the provisions of section 15 of article 3 of the Constitution, and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Senate bill No. 1556 (Int. No. 1110), as amended, entitled “An act amending the Greater New York charter, in relation to the removal, sale or disposal of buildings or parts of buildings and machinery acquired for a public improvement.”

Given under my hand and the privy seal of the State at the Capitol, in the city of Albany, this thirtieth day of April, in the year of our Lord one thousand nine hundred and nine.

CHARLES E. HUGHES.

By the Governor:

ROBERT H. FULLER,

*Secretary to the Governor.*

Said bill was then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, the necessity for the immediate passage of the same having been certified by the Governor, and

it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 130

NOES 00

Those who voted in the affirmative were:

Allen	Fellows	Lachman	Miller J L	Smith F L
Barden	Filley	Lanahan	Miller W G	Stern
Bates	Foley	Lansing	Murphy C F	Sullivan
Baumann	Fowler	Lazarus	Murphy F J	Surpluss
Baumes	Francis	Lee	Murray	Thompson
Bennett	Frisbie	Leffingwell	Neupert	Thorn
Bohan	Garbe	Levy A J	Nolan	Todd
Boshart	Geohegan	Le y J	Odell	Toombs
Brady	Glore	Lewis	Oliver	Travis
Brennan	Glück	Lowe	O'Neil	Voss
Brown C F	Goldberg	Lowman	Parker F B	Waddell
Brown G W	Goodspeed	Lupton	Parker J S	Walters
Burhyte	Graubard	MacGregor	Partridge	Ward
Callan	Gray	Manley	Perkins	Waters
Caughlan	Green	Marks	Phillips C W	Weaver
Cheney	Gunderman	Marlatt	Reed	Weber
Clarke	Hackett	Martin	Robinson	Weimert
Colné	Hammond	McElligott	Rozan	White E H
Conklin	Hamn	McFarlane	Sanner	White L H
Cuvillier	Hawley	McGrath	Sargent	Whitley
De Groot	Hemenway	McInerney	Schutta	Whitney
Donnelly	Hoey	McKeon	Scott	Williams
Duell	Howard	McLaughlin	Shea	Wood
Edwards	Jackson	Mead	Sheridan	Yale
Evans	Joseph	Merritt	Smith A E	Young E
Fay	Klein	Millen	Smith C	Young F L

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

"An act to authorize the commissioners of the sinking fund of the city of New York to cancel and annul certain taxes, assessments and water rates now existing liens against and affecting property situated in the borough of Brooklyn, city of New York, belonging to Saint Malachi's Roman Catholic church" (No. 1159, Rec. No. 405), which was read the first time.

On motion of Mr. Lachman, and by unanimous consent, said bill was read the second time and ordered to a third reading.

On motion of Mr. Lachman, and by unanimous consent, said bill was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree

to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 132

NOES 00

Those who voted in the affirmative were:

Allen	Filley	Lansing	Murphy C F	Smith F L
Barden	Foley	Lazarus	Murphy F J	Stern
Bates	Fowler	Lee	Murray	Sullivan
Baumann	Francis	Leffingwell	Neupert	Surplless
Baumes	Frisbie	Levy A J	Nolan	Thompson
Bennett	Garbe	Levy J	Odell	Thorn
Bohan	Geoghegan	Lewis	Oliver	Todd
Boshart	Glore	Lowe	O'Neil	Toombs
Brady	Glück	Lowman	Parker F B	Travis
Brennan	Goldberg	Lupton	Parker J S	Voss
Brown C F	Goodspeed	MacGregor	Partridge	Waddell
Brown G W	Graubard	Manley	Perkins	Walters
Burhyte	Gray	Marks	Phillips C W	Ward
Callan	Green	Marlatt	Reed	Waters
Caughlan	Gunderman	Martin	Robinson	Weaver
Cheney	Hackett	McElligott	Rozan	Weber
Clarke	Hammond	McFarlane	Sanner	Weimert
Colné	Hamn	McGrath	Sargent	White E H
Conklin	Hawley	McInerney	Schmidt	White L H
Cuvillier	Hemenway	McKeon	Schutta	Whitley
De Groot	Hoey	McLaughlin	Scott	Whitney
Donnelly	Howard	Mead	Shea	Williams
Duell	Jackson	Merritt	Sheridan	Wood
Edwards	Joseph	Millen	Silbermann	Yale
Evans	Klein	Miller J L	Smith A E	Young E
Fay	Lachman	Miller W G	Smith C	Young F L
Fellows	Lanahan			

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

"An act to confer jurisdiction upon the Court of Claims to hear, audit and determine the alleged claim of John White against the State of New York, and to render judgment therefor" (No. 1526, Rec. No. 406), which was read the first time.

On motion of Mr. Lee, and by unanimous consent, said bill was read the second time and ordered to a third reading.

On motion of Mr. Lee, and by unanimous consent, said bill was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the



affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 138

NOES 00

Those who voted in the affirmative were:

Allen	Fellows	Lanahan	Murphy C F	Staley
Barden	Filley	Lansing	Murphy F J	Stern
Bates	Foley	Lazarus	Murray	Sullivan
Baumann	Fowler	Lee	Neupert	Surpless
Baumes	Francis	Leffingwell	Nolan	Thompson
Bennett	Frisbie	Levy A J	Odell	Thorn
Bohan	Garbe	Levy J	Oliver	Todd
Boshart	Geoghegan	Lewis	O'Neil	Toombs
Brady	Glore	Lowe	Parker F B	Travis
Brennan	Glück	Lowman	Parker J S	Voss
Brown C F	Goldberg	Lupton	Partridge	Waddell
Brown G W	Goodspeed	MacGregor	Perkins	Walters
Burhyte	Graubard	Manley	Phillips C W	Ward
Callan	Gray	Marks	Reed	Waters
Caughlan	Green	Marlatt	Robinson	Weaver
Cheney	Gunderman	Martin	Rozan	Weber
Clarke	Hackett	McCue	Sanner	Weimert
Colné	Hammond	McElligott	Sargent	Wende
Conklin	Hamn	McFarlane	Schutta	White E H
Cuvillier	Hawley	McGrath	Scott	White L H
De Groot	Hemenway	McInerney	Shea	Whitley
Donnelly	Hoey	McKeon	Sheridan	Whitney
Draper	Howard	McLaughlin	Smith A E	Williams
Duell	Jackson	Mead	Smith C	Wood
Eagleton	Jordan	Merritt	Smith F L	Yale
Edwards	Joseph	Millen	Smith M	Young E
Evans	Klein	Miller J L	Spielberg	Young F L
Fay	Lachman	Miller W G		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

"An act to authorize the acquisition of a site for, and the construction of a court house in the county of Kings, and to provide for the maintenance thereof" (No. 175, Reprint No. 1580, Rec. No. 407), which was read the first time.

On motion of Mr. Voss, and by unanimous consent, said bill was read the second time and ordered to a third reading.

A message from the Governor was received and read, in words following:

## STATE OF NEW YORK — EXECUTIVE CHAMBER.

*To the Legislature:*

It appearing to my satisfaction that the public interest requires it;

Therefore, In accordance with the provisions of section 15 of article 3 of the Constitution, and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Senate bill No. 175 (Int. No. 173), as amended, entitled "An act to authorize the acquisition of a site for, and the construction of a court house in the county of Kings, and to provide for the maintenance thereof."

Given under my hand and the privy seal of the State at the Capitol, in the city of Albany, this thirtieth day of April, in the year of our Lord one thousand nine hundred and nine.

CHARLES E. HUGHES.

By the Governor:

ROBERT H. FULLER,

*Secretary to the Governor.*

Said bill was then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, the necessity for the immediate passage of the same having been certified by the Governor, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 138

NOES 00

Those who voted in the affirmative were:

Allen	Fellows	Lanahan	Murphy C F	Staley
Barden	Filley	Lansing	Murphy F J	Stern
Bates	Foley	Lazarus	Murray	Sullivan
Baumann	Fowler	Lee	Neupert	Surpless
Baumes	Francis	Leffingwell	Nolan	Thompson
Bennett	Frisbie	Levy A J	Odell	Thorn
Bohan	Garbe	Levy J	Oliver	Todd
Boshart	Geoghegan	Lewis	O'Neil	Toombs
Brady	Glore	Lowe	Parker F B	Travis
Brennan	Glück	Lowman	Parker J S	Voss
Brown C F	Goldberg	Lupton	Partridge	Waddell
Brown G W	Goodspeed	MacGregor	Perkins	Walters
Burhyte	Graubard	Manley	Phillips C W	Ward
Callan	Gray	Marks	Reed	Waters
Caughlan	Green	Marlatt	Robinson	Weaver
Cheney	Gunderman	Martin	Rozan	Weber
Clarke	Hackett	McCue	Sanner	Weimert

Colné	Hammond	McElligott	Sargent	Wende
Conklin	Hamn	McFarlane	Schutta	White E H
Cuvillier	Hawley	McGrath	Scott	White L H
De Groot	Hemenway	McInerney	Shea	Whitley
Donnelly	Hoey	McKeon	Sheridan	Whitney
Draper	Howard	McLaughlin	Smith A E	Williams
Duell	Jackson	Mead	Smith C	Wood
Eagleton	Jordan	Merritt	Smith F L	Yale
Edwards	Joseph	Millen	Smith M	Young E
Evans	Klein	Miller J L	Spielberg	Young F L
Fay	Lachman	Miller W G		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

"An act authorizing the city of New Rochelle to reimburse Michael J. Dillon, former mayor of said city, for moneys expended for personal counsel and expenses in defending certain criminal actions against him" (No. 1439, Rec. No. 408), which was read the first time and referred to the committee on affairs of cities.

"An act to amend the Code of Criminal Procedure by adding a provision that the judges of the City Court of Buffalo are magistrates" (No. 1094, Rec. No. 409), which was read the first time.

On motion of Mr. MacGregor, and by unanimous consent, said bill was read the second time and ordered to a third reading.

On motion of Mr. MacGregor, and by unanimous consent, said bill was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 138

NOES 00

Those who voted in the affirmative were:

Allen	Fellows	Lanahan	Murphy C F	Staley
Barden	Filley	Lansing	Murphy F J	Stern
Bates	Foley	Lazarus	Murray	Sullivan
Baumann	Fowler	Lee	Neupert	Surples
Baumes	Francis	Leffingwell	Nolan	Thompson
Bennett	Frisbie	Levy A J	Odell	Thorn
Bohan	Garbe	Levy J	Oliver	Todd
Boshart	Geoghegan	Lewis	O'Neil	Toombs



Brady	Glore	Lowe	Parker F B	Travis
Brennan	Glück	Lowman	Parker J S	Voss
Brown C F	Goldberg	Lupton	Partridge	Waddell
Brown G W	Goodspeed	MacGregor	Perkins	Walters
Burhyte	Graubard	Manley	Phillips C W	Ward
Callan	Gray	Marks	Reed	Waters
Caughlan	Green	Marlatt	Robinson	Weaver
Cheney	Gunderman	Martin	Rozan	Weber
Clarke	Hackett	McCue	Sanner	Weimert
Colné	Hammond	McElligott	Sargent	Wende
Conklin	Hamn	McFarlane	Schutta	White E H
Cuvillier	Hawley	McGrath	Scott	White L H
De Groot	Hemenway	McInerney	Shea	Whitley
Donnelly	Hoey	McKeon	Sheridan	Whitney
Draper	Howard	McLaughlin	Smith A E	Williams
Duell	Jackson	Mead	Smith C	Wood
Eagleton	Jordan	Merritt	Smith F L	Yale
Edwards	Joseph	Millen	Smith M	Young E
Evans	Klein	Miller J L	Spielberg	Young F L
Fay	Lachman	Miller W G		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

“An act to empower the board of assessors in the city of New York, in its discretion, to ascertain and determine the damages to the real property of James F. Donnelly on East One Hundred and Seventy-fourth street, caused by the changing of the original grade of said East One Hundred and Seventy-fourth street, between Clay avenue and Anthony avenue, in said city, borough of Bronx and award damages to him to the extent his said real property may have depreciated in value in consequence thereof” (No. 468, Rec. No. 410), which was read the first time.

On motion of Mr. Schmidt, and by unanimous consent, said bill was read the second time and ordered to a third reading.

On motion of Mr. Schmidt, and by unanimous consent, said bill was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

## AYES 138

## NOES 00

Those who voted in the affirmative were:

Allen	Fellows	Lanahan	Murphy C F	Staley
Barden	Filley	Lansing	Murphy F J	Stern
Bates	Foley	Lazarus	Murray	Sullivan
Baumann	Fowler	Lee	Neupert	Surpless
Baumes	Francis	Leffingwell	Nolan	Thompson
Bennett	Frisbie	Levy A J	Odell	Thorn
Bohan	Garbe	Levy J	Oliver	Todd
Boshart	Geoghegan	Lewis	O'Neil	Toombs
Brady	Glore	Lowe	Parker F B	Travis
Brennan	Glück	Lowman	Parker J S	Voss
Brown C F	Goldberg	Lupton	Partridge	Waddell
Brown G W	Goodspeed	MacGregor	Perkins	Walters
Burhyte	Graubard	Manley	Phillips C W	Ward
Callan	Gray	Marks	Reed	Waters
Caughlan	Green	Marlatt	Robinson	Weaver
Cheney	Gunderman	Martin	Rozan	Weber
Clarke	Hackett	McCue	Sanner	Weimert
Colné	Hammond	McElligott	Sargent	Wende
Conklin	Hamn	McFarlane	Schutta	White E H
Cuvillier	Hawley	McGrath	Scott	White L H
De Groot	Hemenway	McInerney	Shea	Whitley
Donnelly	Hoey	McKeon	Sheridan	Whitney
Draper	Howard	McLaughlin	Smith A E	Williams
Duell	Jackson	Mead	Smith C	Wood
Eagleton	Jordan	Merritt	Smith F L	Yale
Edwards	Joseph	Millen	Smith M	Young E
Evans	Klein	Miller J L	Spielberg	Young F L
Fay	Lachman	Miller W G		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

"An act to amend section three hundred and forty-one of the Village Law, being chapter sixty-four of the Consolidated Laws, in relation to notice before the accrual of certain causes of actions against villages for damages for personal injuries resulting from negligence" (No. 1566, Rec. No. 411), which was read the first time and referred to the committee on affairs of villages.

Mr. Speaker, from the committee on rules, to which was referred Assembly bill introduced by Mr. Francis (No. 2057, Senate reprint No. 1481, Int. No. 252), entitled "An act to amend the Education Law, relating to the office of State Historian, and transferring such office to the Education Department."

Also, Assembly bill introduced by Mr. Graubard (No. 1865, Senate reprint No. 1494, Int. No. 1164), entitled "An act to

amend the Greater New York charter, in relation to regulating and licensing public dancing academies," reported in favor of the passage of the same without amendment, and that the same be made a special order on third reading immediately, which report was agreed to, and said bills ordered made special orders on third reading immediately.

Mr. Speaker, from the committee on rules, to which was referred Assembly bill introduced by Mr. Scott (No. 2324, Int. No. 1734), entitled "An act providing for the establishment of a State school of agriculture and domestic science and kindred subjects at Bainbridge, Chenango county, and making an appropriation therefor."

Also, Senate bill introduced by Mr. Brough (No. 1462, Rec. No. 348), entitled "An act to promote the health and efficiency of policemen in cities of the first and second class."

Also, Senate bill introduced by Mr. Cullen (No. 1492, Rec. No. 362), entitled "An act to amend the Penal Law, in relation to moving picture exhibitions."

Also, Senate bill introduced by Mr. Frawley (No. 1517, Rec. No. 379), entitled "An act to amend the Greater New York charter, in relation to contracts of the department of street cleaning for the removal of snow and ice."

Also, Senate bill introduced by Mr. Grady (No. 1480, Rec. No. 358), entitled "An act to amend the Greater New York charter, relative to powers and duties of the commissioner of street cleaning."

Also, Senate bill introduced by Mr. Grady (No. 1066, Rec. No. 398), entitled "An act to provide for the regulation and improvement of the railroad, terminals and approaches thereto, and of the motive power to be used thereon, of the New York Central and Hudson River Railroad Company in the borough of Manhattan, city of New York, and for discontinuing the use by said company of certain streets, avenues, public parks or places in said borough, at grade, and for such purposes to authorize the city of New York to grant real property, rights and privileges to said railroad company and to acquire other real property, rights and privileges from said railroad company."



Also, Senate bill introduced by Mr. Grady (No. 575, Rec. No. 372), entitled "An act amending the Greater New York charter, relative to retirement from active service of officers, clerks, and employees."

Also, Senate bill introduced by Mr. Hewitt (No. 820, Rec. No. 101), entitled "An act to amend chapter five hundred and seventy-seven of the Laws of eighteen hundred and seventy-five, entitled 'An act to revise and consolidate the several acts relative to public schools in the city of Auburn,' in relation to the time, place and manner of making and filing the annual certificate and report of the board of education of said city as to moneys needed for school purposes."

Also, Senate bill introduced by Mr. Meade (No. 1441, Rec. No. 395), entitled "An act to amend the Prison Law, in relation to the location of State prisons."

Also, Senate bill introduced by Mr. Meade (No. 1274, Rec. No. 393), entitled "An act to amend the Judiciary Law, in relation to the appointment of confidential clerks by county judges of certain counties."

Also, Senate bill introduced by Mr. Meade (No. 1278, Rec. No. 394), entitled "An act to amend the Judiciary Law, in relation to the salary of confidential clerks to certain county judges."

Also, Senate bill introduced by Mr. Newcomb (No. 1467, Rec. No. 376), entitled "An act to authorize and direct the courthouse board, appointed pursuant to chapter three hundred and thirty-six of the Laws of nineteen hundred and three, as amended by chapter one hundred and twelve of the Laws of nineteen hundred and five, to fix and determine the site for a courthouse in the county of New York; at and near the site of the present county courthouse; providing for the removal of all buildings except the city hall, from City Hall park; and defining the purposes for which such building shall be erected."

Also, Senate bill introduced by Mr. Wainwright (No. 1549, Rec. No. 396), entitled "An act to legalize and confirm the grant of lands under the waters of Byram river, in the town of Rye, county of Westchester, heretofore made by the Commissioners of the Land Office of the State of New York to Addison Johnson,

and releasing the interests of the State of New York therein," reported in favor of the passage of the same without amendment, and that the same be made special orders on second and third reading immediately after the consideration of the special orders on second and third reading heretofore reported, which report was agreed to, and said bills ordered made special orders on second and third reading immediately after the consideration of the special orders on third reading heretofore reported.

Mr. Merritt moved a call of the members of the House.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

By direction of the Speaker, the Clerk called the roll, when the following members responded:

Allen	Filley	Klein	Millen	Staley
Barden	Foley	Lachman	Miller J L	Stern
Bates	Fowler	Lanahan	Miller W G	Sullivan
Baumann	Francis	Lansing	Murphy C F	Surpluss
Baumes	Frisbie	Lazarus	Murphy F J	Thompson
Bennett	Garbe	Lee	Murray	Thorn
Bohan	Geoghegan	Leffingwell	Neupert	Todd
Boshart	Glore	Levy A J	Nolan	Toombs
Brady	Glück	Levy J	Odell	Voss
Brennan	Goldberg	Travis	Oliver	Waddell
Brown C F	Goodspeed	Lowe	O'Neil	Walters
Brown G W	Graubard	Lowman	Parker F B	Ward
Burhyte	Gray	Lupton	Parker J S	Waters
Callan	Green	MacGregor	Partridge	Weaver
Caughlan	Gunderman	Manley	Perkins	Weber
Cheney	Hackett	Marks	Phillips C W	Weimert
Clarke	Haines	Marlatt	Robinson	White E H
Colné	Hammond	Martin	Rozan	White L H
Conklin	Hamn	McElligott	Sanner	Whitley
Cuvillier	Hawley	McFarlane	Sargent	Whitney
De Groot	Hemenway	McGrath	Schutta	Williams
Donnelly	Herrick	McInerney	Scott	Wood
Duell	Hoey	McKeon	Sheridan	Yale
Edwards	Howard	McLaughlin	Smith A E	Young E
Evans	Jackson	Mead	Smith C	Young F L
Fay	Joseph	Merritt	Smith F L	

Mr. Merritt moved that the House proceed with business during the pendency of the call.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Speaker announced the special order, being the bill (No. 2292) entitled "An act to make the office of supervisor in the county of Fulton a salaried office." (Int. No. 1005.)

Said bill was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 130

NOES 00

Those who voted in the affirmative were:

Allen	Fellows	Lachman	Miller J L	Smith F L
Barden	Filley	Lanahan	Miller W G	Stern
Bates	Foley	Lansing	Murphy C F	Sullivan
Baumann	Fowler	Lazarus	Murphy F J	Surpless
Baumes	Francis	Lee	Murray	Thompson
Bennett	Frisbie	Leffingwell	Neupert	Thorn
Bohan	Garbe	Levy A J	Nolan	Todd
Boshart	Geoghegan	Levy J	Odell	Toombs
Brady	Glore	Lewis	Oliver	Travis
Brennan	Glück	Lowe	O'Neil	Voss
Brown C F	Goldberg	Lowman	Parker F B	Waddell
Brown G W	Goodspeed	Lupton	Parker J S	Walters
Burhyte	Graubard	MacGregor	Partridge	Ward
Callan	Gray	Manley	Perkins	Waters
Caughlan	Green	Marks	Phillips C W	Weaver
Cheney	Gunderman	Marlatt	Reed	Weber
Clarke	Hackett	Martin	Robinson	Weimert
Colné	Hammond	McElligott	Rozan	White E H
Conklin	Hamn	McFarlane	Sanner	White L H
Cuvillier	Hawley	McGrath	Sargent	Whitley
De Groot	Hemenway	McInerney	Schutta	Whitney
Donnelly	Hoey	McKeon	Scott	Williams
Duell	Howard	McLaughlin	Shea	Wood
Edwards	Jackson	Mead	Sheridan	Yale
Evans	Joseph	Merritt	Smith A E	Young E
Fay	Klein	Millen	Smith C	Young F L

Ordered, That the Clerk engross said bill and deliver the same to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 2057, Senate reprint No. 1481) entitled "An act to amend the Education Law, relating to the office of State Historian and transferring such office to the Education Department." (Int. No. 252.)

Mr. Speaker stated the question to be upon concurring in the Senate amendments.

Mr. Francis moved to concur in the Senate amendments.



Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative.

AYES 25

NOES 68

Those who voted in the affirmative were:

Baumes	Filley	Hamn	Merritt	Sullivan
Brady	Frisbie	Lazarus	Murphy C F	Surpless
Brown G W	Glore	Lee	Nolan	Voss
Cuvillier	Green	Levy A J	Oliver	Weaver
De Groot	Hammond	Lewis	Parker J S	White L H

Those who voted in the negative were:

Barden	Foley	Herrick	Martin	Parker F B
Bennett	Fowler	Hoey	McElligott	Partridge
Boshart	Francis	Howard	McGrath	Perkins
Brennan	Garbe	Jackson	McInerney	Rozan
Callan	Geoghegan	Joseph	McKeon	Sanner
Caughlan	Glück	Klein	Mead	Schutta
Cheney	Goldberg	Lachman	Millen	Smith C
Clarke	Goodspeed	Lansing	Miller J L	Smith F L
Colné	Graubard	Leffingwell	Murphy F J	Thompson
Conklin	Gray	Lowe	Murray	Thorn
Donnelly	Gunderman	Lowman	Neupert	Toombs
Duell	Hackett	MacGregor	Odell	Travis
Edwards	Hawley	Marks	O'Neil	Waddell
Fay	Hemenway	Marlatt		

Mr. Speaker announced the special order, being the bill (No. 1865, Senate reprint No. 1494) entitled "An act to amend the Greater New York charter, in relation to regulating and licensing public dancing academies." (Int. No. 1164.)

Mr. Speaker stated the question to be upon concurring in the Senate amendments.

Mr. Graubard moved to concur in the Senate amendments.

Mr. Speaker put the question whether the House would concur in said amendments, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 127

NOES 1

Those who voted in the affirmative were:

Allen	Fellows	Lanahan	Miller J L	Stern
Barden	Filley	Lansing	Miller W G	Sullivan
Bates	Foley	Lazarus	Murphy C F	Surpless
Baumann	Fowler	Lee	Murphy F J	Thompson

Baumes	Francis	Leffingwell	Murray	Thorn
Bennett	Frisbie	Levy A J	Neupert	Todd
Bohan	Garbe	Levy J	Nolan	Toombs
Boshart	Geoghegan	Lewis	Odell	Travis
Brady	Glore	Lowe	Oliver	Voss
Brennan	Glück	Lowman	O'Neil	Waddell
Brown C F	Goldberg	Lupton	Parker F B	Walters
Brown G W	Goodspeed	MacGregor	Parker J S	Ward
Burhyte	Graubard	Manley	Partridge	Waters
Callan	Gray	Marks	Perkins	Weaver
Caughlan	Green	Marlatt	Phillips C W	Weber
Cheney	Gunderman	Martin	Reed	Weimert
Clarke	Hammond	McElligott	Robinson	White E H
Colné	Hamm	McFarlane	Rozan	White L H
Conklin	Hawley	McGrath	Sanner	Whitley
Cuvillier	Hemenway	McInerney	Sargent	Whitney
De Groot	Hoey	McKeon	Schutta	Williams
Donnelly	Howard	McLaughlin	Scott	Wood
Duell	Jackson	Mead	Smith A E	Yale
Edwards	Joseph	Merritt	Smith C	Young E
Evans	Klein	Millen	Smith F L	Young F L
Fay	Lachman			

In the negative.

Hackett

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendments of the Senate thereto.

Mr. Speaker announced the special order, being the Senate bill (No. 924) entitled "An act to amend the Code of Civil Procedure, relative to motions upon pleadings." (Rec. No. 154.)

On motion of Mr. Francis, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the negative, a majority of all the members elected to the Assembly not voting in favor thereof, and three-fifths being present.

AYES 69

NOES 34

Those who voted in the affirmative were:

Barden	Edwards	Lazarus	Murphy F J	Thompson
Bates	Filley	Lee	Murray	Thorn
Boshart	Fowler	Leffingwell	Neupert	Voss
Brady	Francis	Levy A J	Odell	Waddell
Brennan	Frisbie	Lewis	Oliver	Waters

Brown C F	Glore	Lowman	O'Neil	Weber
Brown G W	Goodspeed	Lupton	Partridge	White E H
Burhyte	Green	Marks	Phillips C W	Whitney
Cheney	Hackett	Marlatt	Shea	Williams
Clarke	Hawley	McElligott	Smith C	Wood
Colné	Hemenway	McInerney	Smith F L	Yale
Conklin	Hoey	Millen	Stein	Young E
De Groot	Klein	Miller J L	Stern	Young F L
Duell	Lachman	Miller W G	Surpless	

Those who voted in the negative were:

Baumann	Geoghegan	Lansing	Rozan	Staley
Bennett	Glück	MacGregor	Sanner	Sullivan
Bohan	Hammond	Manley	Sargent	Toombs
Cuvillier	Herrick	McGrath	Schutta	Travis
Donnelly	Howard	McKeon	Scott	Walters
Fay	Jackson	Perkins	Sheridan	Ward
Garbe	Lanahan	Robinson	Smith A E	

Mr. Speaker announced the special order, being the Senate bill (No. 199) entitled "An act to amend the Code of Civil Procedure, as to proceedings after trial of a demurrer." (Rec. No. 153.)

Said bill having been announced for a second reading,

On motion of Mr. Perkins, said bill was recommitted to the committee on rules, retaining its place on the order of second reading.

Mr. Speaker announced the special order, being the Senate bill (No. 1079) entitled "An act to amend the Code of Civil Procedure, in relation to appeals to the Court of Appeals." (Rec. No. 214.)

On motion of Mr. Bennett, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 128

NOES 5

Those who voted in the affirmative were:

Allen	Fay	Lachman	Miller W G	Staley
Barden	Fellows	Lanahan	Murphy C F	Stern
Bates	Filley	Lansing	Murohy F J	Sullivan
Baumann	Foley	Lazarus	Murray	Surpless
Baumes	Fowler	Lee	Neupert	Thompson



Bennett	Francis	Leffingwell	Nolan	Thorn
Bohan	Frisbie	Levy A J	Odell	Todd
Boshart	Garbe	Levy J	Oliver	Toombs
Brady	Geoghegan	Lewis	O'Neil	Voss
Brennan	Glore	Lowe	Parker F B	Waddell
Brown C F	Glück	Lowman	Parker J S	Walters
Brown G W	Goldberg	Lupton	Partridge	Ward
Burhyte	Goodspeed	Manley	Perkins	Waters
Callan	Graubard	Marks	Phillips C W	Weaver
Caughlan	Gray	Marlatt	Reed	Weber
Cheney	Green	Martin	Robinson	Weimert
Clarke	Gunderman	McElligott	Rozan	White E H
Colne	Hackett	McFarlane	Sanner	White L H
Conklin	Hammond	McGrath	Sargent	Whitley
De Groot	Hann	McInerney	Schutta	Whitney
Donnelly	Hawley	McKeon	Shea	Williams
Draper	Hemenway	McLaughlin	Sheridan	Wood
Duell	Hoey	Mead	Smith A E	Yale
Eagleton	Jackson	Merritt	Smith C	Young E
Edwards	Joseph	Millen	Smith F L	Young F L
Evans	Klein	Miller J L		

Those who voted in the negative were:

Cuvillier	Howard	MacGregor	Scott	Travis
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Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1548) entitled "An act to amend an act entitled 'An act relating to labor,' constituting chapter thirty-one of the Consolidated Laws." (Rec. No. 391.)

On motion of Mr. Haines, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the negative, a majority of all the members elected to the Assembly not voting in favor thereof, and three-fifths being present.

AYES 42

NOES 88

Those who voted in the affirmative were:

Bates	Conklin	Levy J	Miller W G	Smith M
Bennett	Duell	Lupton	Murphy C F	Staley
Brennan	Fowler	Marks	Murray	Ward
Brown G W	Frisbie	McElligott	Parker F B	Weaver

Burhyte	Hammond	McFarlane	Phillips J S	Williams
Callan	Hawley	Mead	Robinson	Wood
Caughlan	Hozy	Merritt	Shea	Young E
Cheney	Joseph	Millen	Sheridan	Young F L
Clarke	Lee			

Those who voted in the negative were:

Allen	Gillen	Lachman	Neupert	Stein
Baumann	Glore	Lanahan	Nolan	Stern
Baumes	Glück	Lansing	Odell	Sullivan
Bohan	Goldberg	Lazarus	Oliver	Surpless
Brown C F	Goodspeed	Levy A J	O'Neil	Thompson
Colné	Graubard	Lewis	Parker J S	Thorn
Cuvillier	Gray	Lowe	Partridge	Toombs
De Groot	Green	Lowman	Perkins	Travis
Donnelly	Gunderman	MacGregor	Rozan	Voss
Eagleton	Hackett	Manley	Sanner	Waddell
Edwards	Haines	Marlatt	Schmidt	Walters
Evans	Hamn	Martin	Schutta	Waters
Fay	Hemenway	McCue	Scott	Weimert
Fellows	Herrick	McGrath	Smith A E	Wende
Filley	Howard	McInerney	Smith C	White E H
Francis	Jackson	McKeon	Smith F L	White L H
Garbe	Jordan	McLaughlin	Spielberg	Whitney
Geoghegan	Klein	Miller J L		

Mr. Speaker announced the special order, being the Senate bill (No. 1462) entitled "An act to promote the health and efficiency of policemen in cities of the first and second class." (Rec. No. 348.)

On motion of Mr. Hammond, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 116

NOES 7

Those who voted in the affirmative were:

Allen	Fowler	Lazarus	Murphy F J	Stern
Baumann	Francis	Leffingwell	Murray	Surpless
Baumes	Frisbie	Levy A J	Neupert	Thompson
Brennan	Garbe	Levy J	Odell	Thorn
Bohan	Geoghegan	Lewis	Oliver	Toombs
Boshart	Gillen	Lowe	O'Neil	Travis
Brown C F	Glore	Lowman	Partridge	Voss
Burhyte	Glück	Lupton	Perkins	Waddell

Callan	Goldberg	Manley	Phillips J S	Ward
Caughlan	Graubard	Marks	Robinson	Waters
Cheney	Green	Marlatt	Rozan	Weaver
Clarke	Hackett	Martin	Sanner	Weber
Colné	Hamn	McCue	Schmidt	Weimert
Cuvillier	Hemenway	McElligott	Schutta	Wende
De Groot	Herrick	McFarlane	Shea	White E H
Donnelly	Hoey	McGrath	Sheridan	White L H
Draper	Jackson	McInerney	Smith A E	Whitley
Eagleton	Jordan	McKeon	Smith C	Whitney
Edwards	Joseph	Merritt	Smith F L	Williams
Evans	Klein	Millen	Smith M	Wood
Fay	Lachman	Miller J L	Spielberg	Yale
Fellows	Lanahan	Miller W G	Staley	Young E
Filley	Lansing	Murphy C F	Stein	Young F L
Foley				

Those who voted in the negative were:

Bates	Conklin	Goodspeed	Hammond	Lee
Bennett	Duell			

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1492) entitled "An act to amend the Penal Law, in relation to moving picture exhibitions." (Rec. No. 362.)

Said bill having been announced, debate was had thereon.

On motion of Mr. Conklin, said bill was recommitted to the committee on rules, retaining its place on the order of second reading.

Mr. Speaker announced the special order, being the Senate bill (No. 1517) entitled "An act to amend the Greater New York charter, in relation to contracts of the department of street cleaning for the removal of snow and ice." (Rec. No. 379.)

On motion of Mr. Oliver, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.



AYES 131

NOES 00

Those who voted in the affirmative were:

Allen	Fellows	Lachman	Miller J L	Smith F L
Barden	Filley	Lanahan	Miller W G	Stern
Bates	Foley	Lansing	Murphy C F	Sullivan
Baumann	Fowler	Lazarus	Murphy F J	Surplless
Baumes	Francis	Lee	Murray	Thompson
Bennett	Frisbie	Leffingwell	Neupert	Thorn
Bohan	Garbe	Levy A J	Nolan	Todd
Boshart	Geoghegan	Levy J	Odell	Toombs
Brady	Glore	Lewis	Oliver	Travis
Brennan	Glück	Lowe	O'Neil	Voss
Brown C F	Goldberg	Lowman	Parker F B	Waddell
Brown G W	Goodspeed	Lupton	Parker J S	Walters
Burhyte	Graubard	MacGregor	Partridge	Ward
Callan	Gray	Manley	Perkins	Waters
Caughlan	Green	Marks	Phillips C W	Weaver
Cheney	Gunderman	Marlatt	Reed	Weber
Clarke	Hackett	Martin	Robinson	Weimert
Colné	Hammond	McElligott	Rozan	White E H
Conklin	Hamn	McFarlane	Sanner	White L H
Cuvillier	Hawley	McGrath	Sargent	Whitley
De Groot	Hemenway	McInerney	Schutta	Whitney
Donnelly	Hoey	McKeon	Scott	Williams
Duell	Howard	McLaughlin	Shea	Wood
Eagleton	Jackson	Mead	Sheridan	Yale
Edwards	Joseph	Merritt	Smith A E	Young E
Evans	Klein	Millen	Smith C	Young F I
Fay				

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1480) entitled "An act to amend the Greater New York charter, relative to powers and duties of the commissioner of street cleaning." (Rec. No. 358.)

On motion of Mr. Oliver, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 131

NOES 00

Those who voted in the affirmative were:

Allen	Fallows	Lachman	Miller J L	Smith F L
Barden	Filley	Lanahan	Miller W G	Stern
Bates	Foley	Lansing	Murphy C F	Sullivan
Baumann	Fowler	Lazarus	Murphy F J	Surpless
Baumes	Francis	Lee	Murray	Thompson
Bennett	Frisbie	Leffingwell	Neupert	Thorn
Bohan	Garbe	Levy A J	Nolan	Todd
Boshart	Geoghegan	Levy J	Odell	Toombs
Brady	Glore	Lewis	Oliver	Travis
Brennan	Glück	Lowe	O'Neil	Voss
Brown C F	Goldberg	Lowman	Parker F B	Waddell
Brown G W	Goodspeed	Lupton	Parker J S	Walters
Burhyte	Graubard	MacGregor	Partridge	Ward
Callan	Gray	Manley	Perkins	Waters
Caughlan	Green	Marks	Phillips C W	Weaver
Cheney	Gunderman	Marlatt	Reed	Weber
Clarke	Hackett	Martin	Robinson	Weimert
Colne	Hammond	McElligott	Rozan	White E H
Conklin	Hamn	McFarlane	Sanner	White L H
Cuvillier	Hawley	McGrath	Sargent	Whitley
De Groot	Hemenway	McInerney	Schutta	Whitney
Donnelly	Hoey	McKeon	Scott	Williams
Duell	Howard	McLaughlin	Shea	Wood
Eagleton	Jackson	Mead	Sheridan	Yale
Edwards	Joseph	Merritt	Smith A E	Young E
Evans	Klein	Millen	Smith C	Young F L
Fay				

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1066) entitled "An act to provide for the regulation and improvement of the railroad, terminals and approaches thereto, and of the motive power to be used thereon, of the New York Central and Hudson River Railroad Company in the borough of Manhattan, city of New York, and for discontinuing the use by said company of certain streets, avenues, public parks or places in said borough, at grade, and for such purposes to authorize the city of New York to grant real property, rights and privileges to said railroad company and to acquire other real property, rights and privileges from said railroad company." (Rec. No. 398.)

On motion of Mr. Oliver, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 85

NOES 57

Those who voted in the affirmative were:

Bates	Frisbie	Lewis	Parker J S	Voss
Baumes	Geoghegan	Lowe	Phillips C W	Waddell
Boshart	Glore	Lupton	Phillips J S	Walters
Brady	Goldberg	MacGregor	Robinson	Ward
Brennan	Goodspeed	Marlatt	Rozan	Waters
Brown C F	Graubard	McCue	Sanner	Weaver
Brown G W	Hammond	McFarlane	Schmidt	Weimert
Burhyte	Hamn	McLaughlin	Schutta	Wende
Callan	Hawley	Mead	Shea	White E H
Clarke	Herrick	Merritt	Sheridan	White L H
Cuvillier	Jackson	Miller W G	Smith A E	Whitley
De Groot	Jordan	Murphy C F	Smith F L	Whitney
Donnelly	Joseph	Neupert	Smith M	Williams
Duell	Lansing	Nolan	Stein	Yale
Fay	Leffingwell	Odell	Sullivan	Young E
Filley	Levy A J	Oliver	Thorn	Young F L
Foley	Levy J	Parker F B	Travis	Speaker

Those who voted in the negative were:

Allen	Evans	Hoey	McElligott	Scott
Barden	Fellows	Howard	McGrath	Smith C
Baumann	Fowler	Klein	McInerney	Spielberg
Bennett	Francis	Lachman	McKeon	Staley
Bohan	Garbe	Lanahan	Millen	Stern
Caughlan	Gillen	Lazarus	Miller J L	Surpless
Cheney	Glück	Lee	Murphy F J	Thompson
Colné	Gray	Lowman	Murray	Todd
Conklin	Green	Manley	O'Neil	Toombs
Draper	Gunderman	Marks	Partridge	Weber
Eagleton	Hackett	Martin	Perkins	Wood
Edwards	Hemenway			

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 575) entitled "An act amending the Greater New York charter, relative to retirement from active service of officers, clerks and employees." (Rec. No. 372.)



On motion of Mr. Oliver, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 129

NOES 2

Those who voted in the affirmative were:

Allen	Fillee	Lanahan	Miller W G	Stern
Barden	Foley	Lansing	Murphy C F	Sullivan
Bates	Fowler	Lazarus	Murphy F J	Surpless
Baumann	Francis	Lee	Murray	Thompson
Baumes	Frisbie	Leffingwell	Neupert	Thorn
Bohan	Garbe	Levy A J	Nolan	Todd
Boshart	Geoghegan	Levy J	Odell	Toombs
Brady	Glore	Lewis	Oliver	Travis
Brennan	Glück	Lowe	O'Neil	Voss
Brown C F	Goldberg	Lowman	Parker F B	Waddell
Brown G W	Goodspeed	Lupton	Parker J S	Walters
Burhyte	Graubard	MacGregor	Partridge	Ward
Callan	Gray	Manley	Perkins	Waters
Caughlan	Green	Marks	Phillips C W	Weaver
Cheney	Gunderman	Marlatt	Reed	Weber
Clarke	Hackett	Martin	Robinson	Weimert
Colne	Hammond	McElligott	Rozan	White E H
Cuvillier	Hamn	McFarlane	Sanner	White L H
De Groot	Hawley	McGrath	Sargent	Whitley
Donnelly	Hemenway	McInerney	Schutta	Whitney
Duell	Hoey	McKeon	Scott	Williams
Eagleton	Howard	McLaughlin	Shea	Wood
Edwards	Joseph	Mead	Sheridan	Yale
Evans	Jackson	Merritt	Smith A E	Young E
Fay	Klein	Millen	Smith C	Young F L
Fellows	Lachman	Miller J L	Smith F L	

Those who voted in the negative were:

Bennett              Conklin

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 820) entitled "An act to amend chapter five hundred and seventy-seven of the Laws of eighteen hundred and seventy-five, entitled 'An act to revise and consolidate the several acts relative

to public schools in the city of Auburn,' in relation to the time, place and manner of making and filing the annual certificate and report of the board of education of said city as to moneys needed for school purposes." (Rec. No. 101.)

On motion of Mr. Reed, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 131

NOES 00

Those who voted in the affirmative were:

Allen	Fellows	Lachman	Miller J L	Smith F L
Barden	Filley	Lenahan	Miller W G	Stern
Bates	Foley	Lansing	Murphy C F	Sullivan
Baumann	Fowler	Lazarus	Murphy F J	Surplless
Baumes	Francis	Lee	Murray	Thompson
Bennett	Frisbie	Leffingwell	Neupert	Thorn
Bohan	Garbe	Levy A J	Nolan	Todd
Boshart	Geoghegan	Levy J	Odell	Toombs
Brady	Glore	Lewis	Oliver	Travis
Brennan	Glück	Lowe	O'Neil	Voss
Brown C F	Goldberg	Lowman	Parker F B	Waddell
Brown G W	Goodspeed	Lupton	Parker J S	Walters
Burhyte	Graubard	MacGregor	Partridge	Ward
Callan	Gray	Manley	Perkins	Waters
Caughlan	Green	Marks	Phillips C W	Weaver
Cheney	Gunderman	Marlatt	Reed	Weber
Clarke	Hackett	Martin	Robinson	Weimert
Colné	Hammond	McElligott	Rozan	White E H
Conklin	Hamn	McFarlane	Sanner	White L H
Cuvillier	Hawley	McGrath	Sargent	Whitley
De Groot	Hemenway	McInerney	Schutta	Whitney
Donnelly	Hoey	McKeon	Scott	Williams
Duell	Howard	McLaughlin	Shea	Wood
Eagleton	Jackson	Mead	Sheridan	Yale
Edwards	Joseph	Merritt	Smith A E	Young E
Evans	Klein	Millen	Smith C	Young F I.
Fay				

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill

(No. 1441) entitled "An act to amend the Prison Law, in relation to the location of State prisons." (Rec. No. 395.)

On motion of Mr. McInerney, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 134

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Lachman	Miller W G	Smith F L
Barden	Fellows	Lanahan	Murphy C F	Stern
Bates	Filley	Lansing	Murphy F J	Sullivan
Baumann	Foley	Lazarus	Murray	Surpless
Baumes	Fowler	Lee	Neupert	Thompson
Bennett	Francis	Leffingwell	Nolan	Thorn
Bohan	Frisbie	Levy A J	Odell	Todd
Boshart	Garbe	Levy J	Oliver	Toombs
Brady	Geoghegan	Lewis	O'Neil	Travis
Brennan	Glore	Lowe	Parker F B	Voss
Brown C F	Glück	Lowman	Parker J S	Waddell
Brown G W	Goldberg	Lupton	Partridge	Walters
Burhyte	Goodspeed	MacGregor	Perkins	Ward
Callan	Graubard	Manley	Phillips C W	Waters
Caughlan	Gray	Marks	Reed	Weaver
Cheney	Green	Marlatt	Robinson	Weber
Clarke	Gunderman	Martin	Rozan	Weimert
Colné	Hackett	McElligott	Sanner	White E H
Conklin	Hammond	McFarlane	Sargent	White L H
Cuvillier	Hamn	McGrath	Schmidt	Whitley
De Groot	Hawley	McInerney	Schutta	Whitney
Donnelly	Hemenway	McKeon	Scott	Williams
Draper	Hoey	McLaughlin	Shea	Wood
Duell	Howard	Mead	Sheridan	Yale
Eagleton	Jackson	Merritt	Silbermann	Young E
Edwards	Joseph	Millen	Smith A E	Young F L
Evans	Klein	Miller J L	Smith C	

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1274) entitled "An act to amend the Judiciary Law, in relation to the appointment of confidential clerks by county judges of certain counties." (Rec. No. 393.)



On motion Mr. McInerney, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 131

NOES 00

Those who voted in the affirmative were:

Allen	Fellows	Lachman	Miller J L	Smith F L
Barden	Filley	Lanahan	Miller W G	Stern
Bates	Foley	Lansing	Murphy C F	Sullivan
Baumann	Fowler	Lazarus	Murphy F J	Surplless
Baumes	Francis	Lee	Murray	Thompson
Bennett	Frisbie	Leffingwell	Neupert	Thorn
Bohan	Garbe	Levy A J	Nolan	Todd
Boshart	Geoghegan	Levy J	Odell	Toombs
Brady	Glore	Lewis	Oliver	Travis
Brennan	Glück	Lowe	O'Neil	Voss
Brown C F	Goldberg	Lowman	Parker F B	Waddell
Brown G W	Goodspeed	Lupton	Parker J S	Walters
Burhyte	Graubard	MacGregor	Partridge	Ward
Callan	Gray	Manley	Perkins	Waters
Caughlan	Green	Marks	Phillips C W	Weaver
Cheney	Gunderman	Marlatt	Reed	Weber
Clarke	Hackett	Martin	Robinson	Weimert
Colné	Hammond	McElligott	Rozan	White E H
Conklin	Hamn	McFarlane	Sanner	White L H
Cuvillier	Hawley	McGrath	Sargent	Whitley
De Groot	Hemenway	McInerney	Schutta	Whitney
Donnelly	Hoey	McKeon	Scott'	Williams
Duell	Howard	McLaughlin	Shea	Wood
Eagleton	Jackson	Mead	Sheridan	Yale
Edwards	Joseph	Merritt	Smith A E	Young E
Evans	Klein	Millen	Smith C	Young F L
Fay				

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1278) entitled "An act to amend the Judiciary Law, in relation to the salary of confidential clerks to certain county judges." (Rec. No. 394.)

On motion of Mr. McInerney, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 131

NOES 00

Those who voted in the affirmative were:

Allen	Fellows	Lachman	Miller J L	Smith F L
Barden	Fillee	Lanahan	Miller W G	Stern
Bates	Foley	Lansing	Murphy C F	Sullivan
Baumann	Fowler	Lazarus	Murphy F J	Surpless
Baumes	Francis	Lee	Murray	Thompson
Bennett	Frisbie	Leffingwell	Neupert	Thorn
Bohan	Garbe	Levy A J	Nolan	Todd
Boshart	Geoghegan	Levy J	Odell	Toombs
Brady	Glore	Lewis	Oliver	Travis
Brennan	Glück	Lowe	O'Neil	Voss
Brown C F	Goldberg	Lowman	Parker F B	Waddell
Brown G W	Goodspeed	Lupton	Parker J S	Walters
Burhyte	Graubard	MacGregor	Partridge	Ward
Callan	Gray	Manley	Perkins	Waters
Caughlan	Green	Marks	Phillips C W	Weaver
Cheney	Gunderman	Marlatt	Reed	Weber
Clarke	Hackett	Martin	Robinson	Weimert
Colné	Hammond	McElligott	Rozan	White E H
Conklin	Hamn	McFarlane	Sanner	White L H
Cuvillier	Hawley	McGrath	Sargent	Whitley
De Groot	Hemenway	McInerney	Schutta	Whitney
Donnelly	Hoey	McKeon	Scott	Williams
Duell	Howard	McLaughlin	Shea	Wood
Eagleton	Jackson	Mead	Sheridan	Yale
Edwards	Joseph	Merritt	Smith A E	Young E
Evans	Klein	Millen	Smith C	Young F L
Fay				

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1467) entitled "An act to authorize and direct the courthouse board, appointed pursuant to chapter three hundred and thirty-six of the Laws of nineteen hundred and three, as amended by chapter one hundred and twelve of the Laws of nineteen hundred and five, to fix and determine the site for a courthouse in the county of New York at and near the site of the present county courthouse; providing for the removal of all buildings,

except the city hall, from City Hall park; and defining the purposes for which such building shall be erected." (Rec. No. 376.)

On motion of Mr. Francis, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 131

NOES 00

Those who voted in the affirmative were:

Allen	Fellows	Lachman	Miller J L	Smith F L
Barden	Filley	Lanahan	Miller W G	Stern
Bates	Foley	Lansing	Murphy C F	Sullivan
Baumann	Fowler	Lazarus	Murphy F J	Surpless
Baumes	Francis	Lee	Murray	Thompson
Bennett	Frisbie	Leffingwell	Neupert	Thorn
Bohan	Garbe	Levy A J	Nolan	Todd
Boshart	Geoghegan	Levy J	Odell	Toombs
Brady	Glore	Lewis	Oliver	Travis
Brennan	Glück	Lowe	O'Neil	Voss
Brown C F	Goldberg	Lowman	Parker F B	Waddell
Brown G W	Goodspeed	Lupton	Parker J S	Walters
Burhyte	Graubard	MacGregor	Partridge	Ward
Callan	Gray	Manley	Perkins	Waters
Caughlan	Green	Marks	Phillips C W	Weaver
Cheney	Gunderman	Marlatt	Reed	Weber
Clarke	Hackett	Martin	Robinson	Weimert
Colne	Hammond	McElligott	Rozan	White E H
Conklin	Hamn	McFarlane	Sanner	White I H
Cuvillier	Hawley	McGrath	Sargent	Whitley
De Groot	Hemenway	McInerney	Schutta	Whitney
Donnelly	Hoey	McKeon	Scott	Williams
Duell	Howard	McLaughlin	Shea	Wood
Eagleton	Jackson	Mead	Sheridan	Yale
Edwards	Joseph	Merritt	Smith A E	Young E
Evans	Klein	Millen	Smith C	Young F L
Fay				

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1549) entitled "An act to legalize and confirm the grant of lands under the waters of Byram river, in the town of Rye, county of Westchester, heretofore made by the Commissioners of the Land



Office of the State of New York to Addison Johnson and releasing the interests of the State of New York therein." (Rec. No. 396.)

On motion of Mr. Haines, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof.

AYES 131

NOES 00

Those who voted in the affirmative were:

Allen	Fellows	Lachman	Miller J L	Smith F L
Barden	Filley	Lanahan	Miller W G	Stern
Bates	Foley	Lansing	Murphy C I	Sullivan
Baumenn	Fowler	Lazarus	Murphy F J	Surpless
Baumes	Francis	Lee	Murray	Thompson
Bennett	Frisbie	Leffingwell	Neupert	Thorn
Bohan	Garbe	Levy A J	Nolan	Todd
Boshart	Geoghegan	Levy J	Odell	Toombs
Brady	Glore	Lewis	Oliver	Travis
Brennan	Glück	Lowe	O'Neil	Voss
Brown C F	Goldberg	Lowman	Parker F B	Waddell
Brown G W	Goodspeed	Lupton	Partridge	Walters
Burhyte	Graubard	MacGregor	Perkins	Ward
Callan	Gray	Manley	Phillips C W	Waters
Caughlan	Green	Marks	Phillips J S	Weaver
Cheney	Gunderman	Marlatt	Reed	Weber
Clarke	Hackett	Martin	Robinson	Weimert
Colné	Hammond	McElligott	Rozan	White E H
Conklin	Hamn	McFarlane	Sanner	White L H
Cuvillier	Hawley	McGrath	Sargent	Whitley
De Groot	Hemenway	McInerney	Schutfa	Whitney
Donnelly	Hoey	McKeon	Scott	Williams
Duell	Howard	McLaughlin	Shea	Wood
Eagleton	Jackson	Mead	Sheridan	Yale
Edwards	Joseph	Merritt	Smith A E	Young E
Evans	Klein	Millen	Smith C	Young F L
Fay				

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the bill (No. 2324) entitled "An act providing for the establishment of a State school of agriculture and domestic science and kindred subjects at

Bainbridge, Chenango county, and making an appropriation therefor." (Int. No. 1734.)

On motion of Mr. Scott, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 131

NOES 00

Those who voted in the affirmative were:

Allen	Fellows	Lachman	Miller J L	Smith F L
Barden	Filley	Lanahan	Miller W G	Stern
Bates	Foley	Lansing	Murphy C F	Sullivan
Baumann	Fowler	Lazarus	Murphy F J	Surpless
Baumes	Francis	Lee	Murray	Thompson
Bennett	Frisbie	Leffingwell	Neupert	Thorn
Bohan	Garbe	Levy A J	Nolan	Todd
Boshart	Geoghegan	Levy J	Odell	Toombs
Brady	Glore	Lewis	Oliver	Travis
Brennan	Glück	Lowe	O'Neil	Voss
Brown C F	Goldberg	Lowman	Parker F B	Waddell
Brown G W	Goodspeed	Lupton	Parker J S	Walters
Burhyte	Graubard	MacGregor	Partridge	Ward
Callan	Gray	Manley	Perkins	Waters
Caughlan	Green	Marks	Phillips C W	Weaver
Cheney	Gunderman	Marlatt	Reed	Weber
Clarke	Hackett	Martin	Robinson	Weimert
Colné	Hammond	McElligott	Rozan	White E H
Conklin	Hamn	McFarlane	Sanner	White L H
Cuvillier	Hawley	McGrath	Sargent	Whitley
De Groot	Hemenway	McInerney	Schutta	Whitney
Donnelly	Hoey	McKeon	Scott	Williams
Duell	Howard	McLaughlin	Shea	Wood
Eagleton	Jackson	Mead	Sheridan	Yale
Edwards	Joseph	Merritt	Smith A E	Young E
Evans	Klein	Millen	Smith C	Young F L
Fay				

Ordered, That the Clerk engross said bill and deliver the same to the Senate and request their concurrence therein.

Mr. C. F. Murphy moved to take from the table his motion to reconsider the vote by which Senate bill (No. 1362, Rec. No. 268), entitled "An act to amend the Agricultural Law, in relation to skim-milk and skim-cheese," was lost April 29th.

Mr. Speaker put the question whether the House would agree to said motion to take from the table, and it was determined in the negative.

A message was received from the Senate, in words following:

IN SENATE, *April 29, 1909.*

Pursuant to concurrent resolution of the Senate and Assembly, the Governor returned the Senate bill (No. 607, reprint No. 1554, Rec. No. 119), entitled "An act to amend the Tax Law, in relation to notice of completion of assessment roll."

The vote upon the final passage of the said bill having been reconsidered, on motion of Mr. Meade, and by unanimous consent, the same was amended as follows:

Page 2, line 5, strike out the words "on said" and insert in place thereof the words "between the".

Page 2, line 5, after the word "first" insert the words "and fifth".

Page 2, line 7, after the word "clerk" insert the words "on or before the fifteenth day of July preceding".

Said bill, as amended, was reprinted, re-engrossed, and, having been on the desks of the members three legislative days, was passed and ordered sent to the Assembly for concurrence.

By order of the Senate,

LAFAYETTE B. GLEASON,  
*Clerk.*

Said bill having been announced, Mr. MacGregor moved to reconsider the vote by which said bill was passed.

Mr. Speaker put the question whether the House would agree to the reconsideration of the vote on the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 132

NOES 00

Those who voted in the affirmative were:

Allen	Fellows	Lanahan	Miller W G	Staley
Barden	Filley	Lansing	Murphy C F	Stern
Bates	Fowler	Lazarus	Murphy F J	Sullivan
Baumann	Foley	Lee	Murray	Surpless
Baumes	Francis	Leffingwell	Neupert	Thompson
Bennett	Frisbie	Levy A J	Nolan	Thorn
Bohan	Garbe	Levy J	Odell	Todd
Boshart	Geoghegan	Lewis	Oliver	Toombs
Brady	Glore	Lowe	O'Neil	Travis



Brennan	Glück	Lowman	Parker F B	Voss
Brown C F	Goldberg	Lupton	Parker J S	Waddell
Brown G W	Goodspeed	MacGregor	Partridge	Walters
Burhyte	Graubard	Manley	Perkins	Ward
Callan	Gray	Marks	Phillips C W	Waters
Caughlan	Green	Marlatt	Reed	Weaver
Cheney	Gunderman	Martin	Robinson	Weber
Clarke	Hackett	McElligott	Rozan	Weimert
Colné	Hammond	McFarlane	Sanner	White E H
Conklin	Hamn	McGrath	Sargent	White L H
Cuvillier	Hawley	McInerney	Schutta	Whitley
De Groot	Hemenway	McKeon	Scott	Whitney
Donnelly	Hoey	McLaughlin	Shea	Williams
Duell	Howard	Mead	Sheridan	Wood
Eagleton	Jackson	Merritt	Smith A E	Yale
Edwards	Joseph	Millen	Smith C	Young E
Evans	Klein	Miller J L	Smith F L	Young F L
Fay	Lachman			

Said bill, as amended, was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 132

NOES 00

Those who voted in the affirmative were:

Allen	Fellows	Lanahan	Miller W G	Staley
Barden	Filley	Lansing	Murphy C F	Stern
Bates	Foley	Lazarus	Murphy F J	Sullivan
Baumann	Fowler	Lee	Murray	Surpluss
Baumes	Francis	Leffingwell	Neupert	Thompson
Bennett	Frisbie	Levy A J	Nolan	Thorn
Bohan	Garbe	Levy J	Odell	Todd
Boshart	Geoghegan	Lewis	Oliver	Toombs
Brady	Glore	Lowe	O'Neil	Travis
Brennan	Glück	Lowman	Parker F B	Voss
Brown C F	Goldberg	Lupton	Partridge	Waddell
Brown G W	Goodspeed	MacGregor	Perkins	Walters
Burhyte	Graubard	Manley	Phillips C W	Ward
Callan	Gray	Marks	Phillips J S	Waters
Caughlan	Green	Marlatt	Reed	Weaver
Cheney	Gunderman	Martin	Robinson	Weber
Clarke	Hackett	McElligott	Rozan	Weimert
Colné	Hammond	McFarlane	Sanner	White E H
Conklin	Hamn	McGrath	Sargent	White L H
Cuvillier	Hawley	McInerney	Schutta	Whitley
De Groot	Hemenway	McKeon	Scott	Whitney
Donnelly	Hoey	McLaughlin	Shea	Williams
Duell	Howard	Mead	Sheridan	Wood
Eagleton	Jackson	Merritt	Smith A E	Yale
Edwards	Joseph	Millen	Smith C	Young E
Evans	Klein	Miller J L	Smith F L	Young F L
Fay	Lachman			

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have reconsidered their vote on the final passage of said bill, and, as amended, have again passed the same.

The Senate returned the Assembly bill (No. 2182, Senate reprint No. 1511, Int. No. 479), entitled "An act to amend the Greater New York charter, in relation to ambulance service," with a message that they have concurred in the passage of the same, with the following amendments:

Page 2, line 4, after the words "public charities" strike out the word "and" and insert ",".

Page 2, line 5, after the word "hospitals" insert "and two citizens appointed by the mayor".

Mr. Hoey moved to concur in the Senate amendments.

Mr. Speaker put the question whether the House would concur in said amendments, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 132

NOES 00

Those who voted in the affirmative were:

Allen	Fellows	Lanahan	Miller W G	Staley
Barden	Filley	Lansing	Murphy C F	Stern
Bates	Foley	Lazarus	Murphy F J	Sullivan
Baumann	Fowler	Lee	Murray	Surpless
Baumes	Francis	Leffingwell	Neupert	Thompson
Bennett	Frisbie	Levy A J	Nolan	Thorn
Bohan	Garbe	Levy J	Odell	Todd
Boshart	Geoghegan	Lewis	Oliver	Toombs
Brady	Glore	Lowe	O'Neil	Travis
Brennan	Glück	Lowman	Parker F B	Voss
Brown C F	Goldberg	Lupton	Parker J S	Waddell
Brown G W	Goodspeed	MacGregor	Partridge	Walters
Burhyte	Graubard	Manley	Perkins	Ward
Callan	Gray	Marks	Phillips C W	Waters
Caughlan	Green	Marlatt	Reed	Weaver
Cheney	Gunderman	Martin	Robinson	Weber
Clarke	Hackett	McElligott	Rozan	Weimert
Colné	Hammond	McFarlane	Sanner	White E H
Conklin	Hamn	McGrath	Sargent	White L H
Cuvillier	Hawley	McInerney	Schutta	Whitley
De Groot	Hemenway	McKeon	Scott	Whitney
Donnelly	Hoey	McLaughlin	Shea	Williams

Duell	Howard	Mead	Sheridan	Wood
Eagleton	Jackson	Merritt	Smith A E	Yale
Edwards	Joseph	Millen	Smith C	Young E
Evans	Kline	Miller J L	Smith F L	Young F L
Fay	Lachman			

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendments of the Senate thereto.

A message was received from the Senate, in words following:

IN SENATE, *April 29, 1909.*

Pursuant to concurrent resolution of the Senate and Assembly, the Governor returned the Senate bill (No. 232, Assembly reprint No. 1117, Rec. No. 7, Senate reprint No. 1578), entitled "An act to prescribe the rules for the construction of the Consolidated Laws and Code Amendments reported to the Legislature under and in pursuance to the provisions of chapter six hundred and sixty-four of the Laws of nineteen hundred and four."

The vote upon the final passage of the said bill having been reconsidered, on motion of Mr. Davis, and by unanimous consent, the same was amended as follows:

Amend the title by inserting at the end the words "and also for the construction of chapter two hundred and forty of the Laws of nineteen hundred and nine."

Page 2, line 4, before the word "for" insert "and in construing the act amendatory thereof, known as chapter two hundred and forty of the Laws of nineteen hundred and nine,".

Page 2, line 8, before the word "shall" insert "and said act amendatory thereof".

Page 2, line 10, after the word "amendments" insert "or said act amendatory thereof".

Page 2, line 20, after the word "nine" insert "or said act amendatory thereof".

Page 3, line 5, after the word "procedure", and before the comma, insert "and in said chapter two hundred and forty of the Laws of nineteen hundred and nine".

Page 3, line 8, after the word "amendments" insert "or said act amendatory thereof".

Said bill, as amended, was reprinted, re-engrossed and, having been on the desks of the members three legislative days, was passed and ordered sent to the Assembly for concurrence.

By order of the Senate,

LAFAYETTE B. GLEASON,

*Clerk.*



Said bill having been announced, Mr. MacGregor moved to reconsider the vote by which said bill was passed.

Mr. Speaker put the question whether the House would agree to the reconsideration of the vote on the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 132

NOES 00

Those who voted in the affirmative were:

Allen	Fellows	Lanahan	Miller W G	Staley
Barden	Filley	Lansing	Murphy C F	Stern
Bates	Foley	Lazarus	Murphy F J	Sullivan
Baumann	Fowler	Lee	Murray	Surpless
Baumes	Francis	Leffingwell	Neupert	Thompson
Bennett	Frisbie	Levy A J	Nolan	Thorn
Bohan	Garbe	Levy J	Odel	Todd
Boshart	Geoghegan	Lewis	Oliver	Toombs
Brady	Glore	Lowe	O'Neil	Travis
Brennan	Glück	Lowman	Parker F B	Voss
Brown C F	Goldberg	Lupton	Parker J N	Waddell
Brown G W	Goodspeed	MacGregor	Partridge	Walters
Burhyte	Graubard	Manley	Perkins	Ward
Callan	Gray	Marks	Phillips C W	Waters
Caughlan	Green	Marlatt	Reed	Weaver
Cheney	Gunderman	Martin	Robinson	Weber
Clarke	Hackett	McElligott	Rozan	Weimert
Colné	Hammond	McFarlane	Sanner	White E H
Conklin	Hamn	McGrath	Sargent	White L H
Cuvillier	Hawley	McInerney	Schutta	Whitley
De Groot	Hemenway	McKeon	Scott	Whitney
Donnelly	Hoey	McLaughlin	Shea	Williams
Duell	Howard	Mead	Sheridan	Wood
Eagleton	Jackson	Merritt	Smith A E	Yale
Edwards	Joseph	Millen	Smith C	Young E
Evans	Klein	Miller J L	Smith F L	Young F L
Fay	Lachman			

A message from the Governor was received and read, in words following:

#### STATE OF NEW YORK — EXECUTIVE CHAMBER.

*To the Legislature:*

It appearing to my satisfaction that the public interest requires it;

Therefore, In accordance with the provisions of section 15 of article 3 of the Constitution, and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Senate bill No. 232 (Assembly reprint No.

1117), as amended, entitled "An act to prescribe the rules for the construction of the Consolidated Laws and Code Amendments reported to the Legislature under and in pursuance to the provisions of chapter six hundred and sixty-four of the Laws of nineteen hundred and four."

Given under my hand and the privy seal of the State at the Capitol, in the city of Albany, this twenty-eighth day of April, in the year of our Lord one thousand nine hundred and nine.

(Signed.) CHARLES E. HUGHES.

By the Governor:

ROBERT H. FULLER,  
*Secretary to the Governor.*

Said bill was then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, the necessity for the immediate passage of the same having been certified by the Governor, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 132

NOES 00

Those who voted in the affirmative were:

Allen	Fellows	Lanahan	Miller W G	Staley
Barden	Filley	Lansing	Murphy C F	Stern
Bates	Foley	Lazarus	Murphy F J	Sullivan
Baumann	Fowler	Lee	Murray	Surpluss
Baumes	Francis	Leffingwell	Neupert	Thompson
Bennett	Frisbie	Levy A J	Nolan	Thorn
Bohan	Garbe	Levy J	Odell	Todd
Boshart	Geoghegan	Lewis	Oliver	Toombs
Brady	Glore	Lowe	O'Neil	Travis
Brennan	Glück	Lowman	Parker F B	Voss
Brown C F	Goldberg	Lupton	Parker J S	Waddell
Brown G W	Goodspeed	MacGregor	Partridge	Walters
Burhyte	Graubard	Manley	Perkins	Ward
Callan	Gray	Marks	Phillips C W	Waters
Caughlan	Green	Marlatt	Reed	Weaver
Cheney	Gunderman	Martin	Robinson	Weber
Clarke	Hackett	McElligott	Rozan	Weimert
Colné	Hammond	McFarlane	Sanner	White E H
Conklin	Hamn	McGrath	Sargent	White L H
Cuvillier	Hawley	McInerney	Schutta	Whitley
De Groot	Hemenway	McKeon	Scott	Whitney
Donnelly	Hoey	McLaughlin	Shea	Williams
Duell	Howard	Mead	Sheridan	Wood
Eagleton	Jackson	Merritt	Smith A E	Yale
Edwards	Joseph	Millen	Smith C	Young E
Evans	Klein	Miller J L	Smith F L	Young F L
Fay	Lachman			

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have reconsidered their vote on the final passage of said bill, and, as amended, have again passed the same.

The Senate returned the Assembly bill (No. 1906, Senate reprint No. 1577, Int. No. 1048), entitled "An act making appropriations for certain expenses of government and supplying deficiencies in former appropriations," with a message that they have concurred in the passage of the same, with the following amendments:

Strike out all after the enacting clause and insert Senate reprint No. 1577.

A message from the Governor was received and, in words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER.

*To the Legislature:*

It appearing to my satisfaction that the public interest requires it;

Therefore, In accordance with the provisions of section 15 of article 3 of the Constitution, and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Assembly bill No. 1906 (Int. No. 1048), as amended, entitled "An act making appropriations for certain expenses of government and supplying deficiencies in former appropriations."

Given under my hand and the privy seal of the State at the Capitol, in the city of Albany, this twenty-ninth day of April, in the year of our Lord one thousand nine hundred and nine.

CHARLES E. HUGHES.

By the Governor:

ROBERT H. FULLER,

*Secretary to the Governor.*

Mr. Merritt moved to concur in the Senate amendments.

Mr. Speaker put the question whether the House would concur in said amendments, the necessity for the immediate passage of the same having been certified by the Governor, and it was determined in the affirmative, a majority of all the members elected to



the Assembly voting in favor thereof, and three-fifths being present.

AYES 138

NOES 00

Those who voted in the affirmative were:

Allen	Fellows	Lanahan	Murphy C F	Staley
Barden	Filley	Lansing	Murphy F J	Stern
Bates	Foley	Lazarus	Murray	Sullivan
Baumann	Fowler	Lee	Neupert	Surpless
Baumes	Francis	Leffingwell	Nolan	Thompson
Bennett	Frisbie	Levy A J	Odell	Thorn
Bohan	Garbe	Levy J	Oliver	Todd
Boshart	Geoghegan	Lewis	O'Neil	Toombs
Brady	Glore	Lowe	Parker F B	Travis
Brennan	Glück	Lowman	Parker J S	Voss
Brown C F	Goldberg	Lupton	Partridge	Waddell
Brown G W	Goodspeed	MacGregor	Perkins	Walters
Burhyte	Graubard	Manley	Phillips C W	Ward
Callan	Gray	Marks	Reed	Waters
Caughlan	Green	Marlatt	Robinson	Weaver
Cheney	Gunderman	Martin	Rozan	Weber
Clarke	Hackett	McCue	Sanner	Weimert
Colné	Hammond	McElligott	Sargent	Wende
Conklin	Hamn	McFarlane	Schutta	White E H
Cuvillier	Hawley	McGrath	Scott	White L H
De Groot	Hemenway	McInerney	Shea	Whitley
Donnelly	Hoey	McKeon	Sheridan	Whitney
Draper	Howard	McLaughlin	Smith A E	Williams
Duell	Jackson	Mead	Smith C	Wood
Eagleton	Jordan	Merritt	Smith F L	Yale
Edwards	Joseph	Millen	Smith M	Young E
Evans	Klein	Miller J L	Spielberg	Young F L
Fay	Lachman	Miller W G		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendments of the Senate thereto.

The Senate returned the Assembly bill (No. 1383, Senate re-print No. 1579, Int. No. 1195), entitled "An act making appropriations for the Eastern New York State Custodial Asylum, established by chapter three hundred and thirty-one of the Laws of nineteen hundred and seven, to be known hereafter as 'Letchworth Village,'" with a message that they have concurred in the passage of the same, with the following amendments:

Page 2, line 3, at end of line insert "to apply upon".

Line 4, strike out word "for".

Line 5, strike out words "seventy-nine" and insert "fifty"; strike out figures "79" and insert "50". Strike out lines 6 to 14 inclusive.

A message from the Governor was received and read, in words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER.

*To the Legislature:*

It appearing to my satisfaction that the public interest requires it;

Therefore, In accordance with the provisions of section 15 of article 3 of the Constitution, and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Assembly bill No. 1383 (Int. No. 1195), as amended, entitled "An act making appropriations for the Eastern New York State Custodial Asylum, established by chapter three hundred and thirty-one of the Laws of nineteen hundred and seven, to be known hereafter as 'Letchworth Village.'"

Given under my hand and the privy seal of the State at the Capitol, in the city of Albany, this twenty-ninth day of April, in the year of our Lord one thousand nine hundred and nine.

CHARLES E. HUGHES.

By the Governor:

ROBERT H. FULLER,

*Secretary to the Governor.*

Mr. Merritt moved to concur in the Senate amendments.

Mr. Speaker put the question whether the House would concur in said amendments, the necessity for the immediate passage of the same having been certified by the Governor, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 133

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Lachman	Miller W G	Staley
Barden	Fellows	Lanahan	Murphy C F	Stern
Bates	Filley	Lansing	Murphy F J	Sullivan
Baumann	Foley	Lazarus	Murray	Surpless
Baumes	Fowler	Lee	Neupert	Thompson
Bennett	Francis	Leffingwell	Nolar	Thorn
Bohan	Frisbie	Levy A J	Odell	Todd
Boshart	Garbe	Levy J	Oliver	Toombs
Brady	Geoghegan	Lewis	O'Neil	Travis
Brennan	Glore	Lowe	Parker F B	Voss

Brown C F	Glück	Lowman	Parker J S	Waddell
Brown G W	Goldberg	Lupton	Partridge	Walters
Burhyte	Goodspeed	MacGregor	Perkins	Ward
Callan	Graubard	Manley	Phillips C W	Waters
Caughlan	Gray	Marks	Reed	Weaver
Cheney	Green	Marlatt	Robinson	Weber
Clarke	Gunderman	Martin	Rozan	Weimert
Colné	Hackett	McElligott	Sanner	White E H
Conklin	Hammond	McFarlane	Sargent	White L H
Cuvillier	Hamn	McGrath	Schutta	Whitley
De Groot	Hawley	McInerney	Scott	Whitney
Donnelly	Hemenway	McKeon	Shea	Williams
Draper	Hoey	McLaughlin	Sheridan	Wood
Duell	Howard	Mead	Smith A E	Yale
Eagleton	Jackson	Merritt	Smith C	Young E
Edwards	Joseph	Millen	Smith F L	Young F L
Evans	Klein	Miller J L		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendments of the Senate thereto.

The Senate returned the Assembly bill (No. 45, Senate reprint No. 272, Int. No. 45), entitled "An act to establish the public service commissions and prescribing their powers and duties, and and to provide for the regulation and control of certain public service corporations and making an appropriation therefor, constituting chapter forty-eight of the Consolidated Laws," with a message that they have concurred in the passage of the same, with the following amendments:

On page 37, line 23, after the word "arrangement" insert the following: "or by change of arrangement".

On page 80, line 9, after the word "repeal" insert the following: "All other acts and parts of acts otherwise in conflict with this act are hereby repealed."

Mr. J. S. Phillips moved to concur in the Senate amendments.

Mr. Speaker put the question whether the House would concur in said amendments, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.



AYES 138

NOES 00

Those who voted in the affirmative were:

Allen	Fellows	Lanahan	Murphy C F	Staley
Barden	Filley	Lansing	Murphy F J	Stern
Bates	Foley	Lazarus	Murray	Sullivan
Baumann	Fowler	Lee	Neupert	Surpless
Baumes	Francis	Leffingwell	Nolan	Thompson
Bennett	Frisbie	Levy A J	Odell	Thorn
Bohan	Garbe	Levy J	Oliver	Todd
Boshart	Geoghegan	Lewis	O'Neil	Toombs
Brady	Glore	Lowe	Parker F B	Travis
Brennan	Glück	Lowman	Parker J S	Voss
Brown C F	Goldberg	Lupton	Partridge	Waddell
Brown G W	Goodspeed	MacGregor	Perkins	Walters
Burhyte	Graubard	Manley	Phillips C W	Ward
Callan	Gray	Marks	Reed	Waters
Caughlan	Green	Marlatt	Robinson	Weaver
Cheney	Gunderman	Martin	Rozan	Weber
Clarke	Hackett	McCue	Sanner	Weimert
Colne	Hammond	McElligott	Sargent	Wende
Conklin	Hamm	McFarlane	Schutta	White E H
Cuvillier	Hawley	McGrath	Scott	White L H
De Groot	Hemenway	McInerney	Shea	Whitley
Donnelly	Hoey	McKeon	Sheridan	Whitney
Draper	Howard	McLaughlin	Smith A E	Williams
Duell	Jackson	Mead	Smith C	Wood
Eagleton	Jordan	Merritt	Smith F L	Yale
Edwards	Joseph	Millen	Smith M	Young E
Evans	Klein	Miller J L	Spielberg	Young F L
Fay	Lachman	Miller W G		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendments of the Senate thereto.

The Senate returned the Assembly bill (No. 1778, Senate re-print No. 1561, Int. No. 1429), entitled "An act to amend section eighty-eight of article two of chapter twenty-eight of the Consolidated Laws, as to the surrender value of certain life insurance policies," with a message that they have concurred in the passage of the same, with the following amendments:

Page 5, line 3, after "every" insert "such".

Page 5, line 4, after "annuity" insert "on the life".

Mr. Weber moved to concur in the Senate amendments.

Mr. Speaker put the question whether the House would concur in said amendments, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined

in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 130

NOES 00

Those who voted in the affirmative were:

Allen	Fellows	Lachman	Miller J L	Smith F L
Barden	Filley	Lanahan	Miller W G	Stern
Bates	Foley	Lansing	Murphy C F	Sullivan
Baumann	Fowler	Lazarus	Murphy F J	Surpless
Baumes	Francis	Lee	Murray	Thompson
Bennett	Frisbie	Leffingwell	Neupert	Thorn
Bohan	Garbe	Levy A J	Nolan	Todd
Boshart	Geoghegan	Levy J	Odell	Toombs
Brady	Glore	Lewis	Oliver	Travis
Brennan	Glück	Lowe	O'Neil	Voss
Brown C F	Goldberg	Lowman	Parker F B	Waddell
Brown G W	Goodspeed	Lupton	Parker J S	Walters
Burhyte	Graubard	MacGregor	Partridge	Ward
Callan	Gray	Manley	Perkins	Waters
Caughlan	Green	Marks	Phillips C W	Weaver
Cheney	Gunderman	Marlatt	Reed	Weber
Clarke	Hackett	Martin	Robinson	Weimert
Colbé	Hammond	McElligott	Rozan	White E H
Conklin	Hamn	McFarlane	Sanner	White L H
Cuvillier	Hawley	McGrath	Sargent	Whitley
De Groot	Hemenway	McInerney	Schutta	Whitney
Donnelly	Hoey	McKeon	Scott	Williams
Duell	Howard	McLaughlin	Shea	Wood
Edwards	Jackson	Mead	Sheridan	Yale
Evans	Joseph	Merritt	Smith A E	Young E
Fay	Klein	Millen	Smith C	Young F L

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendments of the Senate therein.

At 12:40 P. M., on motion of Mr. Merritt, the House took a recess until 12:50 P. M.

## TWELVE O'CLOCK AND FIFTY MINUTES.

The House again convened.

Mr. Conklin gives notice that he requests that Senate bill introduced by Mr. Alt (No. 911, Rec. No. 399), entitled "An act to amend the Liquor Tax Law, in relation to consents that may be granted for the traffic in liquor within two hundred feet of a church or schoolhouse," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the

committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Frisbie gives notice that he requests that Senate bill introduced by Mr. Gardner (No. 1566, Rec. No. 411), entitled "An act to amend section three hundred and forty-one of the Village Law, being chapter sixty-four of the Consolidated Laws, in relation to notice before the accrual of certain causes of actions against villages for damages for personal injuries resulting from negligence," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Scott gives notice that he requests that Senate bill introduced by Mr. Travis (No. 1262, Rec. No. 328), entitled "An act to amend the Banking Law, relative to the removal from office of trustees of saving banks," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Foley gives notice that he requests that Assembly bill (No. 2393, Int. No. 456), entitled "An act to regulate the taking of deposits by certain persons and partnerships," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Speaker, from the committee on rules, to which was referred Senate bill introduced by Mr. Alt (No. 911, Rec. No. 399), entitled "An act to amend the Liquor Tax Law, in relation to consents that may be granted for the traffic in liquor within two hundred feet of a church or schoolhouse."

Also, Senate bill introduced by Mr. Gardner (No. 1566, Rec. No. 411), entitled "An act to amend section three hundred and forty-one of the Village Law, being chapter sixty-four of the Consolidated Laws, in relation to notice before the accrual of certain causes of actions against villages for damages for personal injuries resulting from negligence."

Also, Senate bill introduced by Mr. Travis (No. 1262, Rec. No.



328), entitled "An act to amend the Banking Law, relative to the removal from office of trustees of savings banks."

Also, Assembly bill introduced by Mr. Foley (No. 2393, Int. No. 456), entitled "An act to regulate the taking of deposits by certain persons and partnerships," reported in favor of the passage of the same without amendment, and that the same be made special orders on second and third reading immediately after the consideration of the special orders on third reading heretofore reported, which report was agreed to, and said bills ordered made special orders on second and third reading immediately after the consideration of the special orders on third reading heretofore reported.

Mr. Speaker announced the special order, being the Senate bill (No. 911, Rec. No. 399), entitled "An act to amend the Liquor Tax Law, in relation to consents that may be granted for the traffic in liquor within two hundred feet of a church or schoolhouse."

On motion of Mr. A. E. Smith, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desk of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 79

NOES 54

Those who voted in the affirmative were:

Bates	Fay	Klein	Murray	Spielberg
Baumann	Foley	Lachman	Neupert	Stein
Bohan	Francis	Lanahan	Nolan	Stern
Boshart	Geoghegan	Lazarus	Oliver	Sullivan
Brennan	Gillen	Levy A J	O'Neil	Surpless
Brown G W	Glore	Levy J	Parker F B	Toombs
Caughlan	Goldberg	Lowe	Parker J S	Voss
Clarke	Goodspeed	MacGregor	Phillips J S	Waddell
Colné	Graubard	Manley	Robinson	Walters
Conklin	Green	Marks	Rozan	Ward
Costello	Hackett	McCue	Sanner	Waters
Cuvillier	Hammond	McGrath	Sargent	Weimert
De Groot	Herrick	McInerney	Schmidt	Wende
Donnelly	Hoey	McKeon	Schutta	Whitley
Draper	Jackson	McLaughlin	Sheridan	Yale
Eagleton	Joseph	Merritt	Smith A E	

Those who voted in the negative were:

Allen	Evans	Lansing	Miller W G	Travis
Barden	Fellows	Lee	Murphy C F	Weaver
Baumes	Filley	Leffingwell	Murphy F J	Weber
Bennett	Fowler	Lowman	Odell	White E H
Brady	Gray	Lupton	Partridge	White L H
Brown C F	Gunderman	Martin	Perkins	Whitney
Burhyte	Hamn	McElligott	Scott	Williams
Callan	Hawley	McFarlane	Shea	Wood
Cheney	Hemenway	Mead	Smith C	Young E
Duell	Howard	Millen	Smith F L	Young F L
Edwards	Jordan	Miller J L	Thorn	

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1566, Rec. No. 411), entitled "An act to amend section three hundred and forty-one of the Village Law, being chapter sixty-four of the Consolidated Laws, in relation to notice before the accrual of certain causes of actions against villages for damages for personal injuries resulting from negligence."

On motion of Mr. Frisbie, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desk of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 138

NOES 00

Those who voted in the affirmative were:

Allen	Fellows	Ilanahan	Murphy C F	Staley
Barden	Filley	Lansing	Murphy F J	Stern
Bates	Foley	Lazarus	Murray	Sullivan
Baumann	Fowler	Lee	Neupert	Surpluss
Baumes	Francis	Leffingwell	Nolan	Thompson
Bennett	Frisbie	Levy A J	Odell	Thorn
Bohan	Garbe	Levy J	Oliver	Todd
Boshart	Geoghegan	Lewis	O'Neil	Toombs
Brady	Glore	Lowe	Parker F B	Travis
Brennan	Glück	Lowman	Parker J S	Voss
Brown C F	Goldberg	Lupton	Partridge	Waddell
Brown G W	Goodspeed	MacGregor	Perkins	Walters
Burhyte	Graubard	Manley	Phillips C W	Ward

Callan	Gray	Marks	Reed	Waters
Caughlan	Green	Marlatt	Robinson	Weaver
Cheney	Gunderman	Martin	Rozan	Weber
Clarke	Hackett	McCue	Sanner	Weimert
Colné	Hammond	McElligott	Sargent	Wende
Conklin	Hamn	McFarlane	Schutta	White E H
Cuvillier	Hawley	McGrath	Scott	White L H
De Groot	Hemenway	McInerney	Shea	Whitley
Donnelly	Hoey	McKeon	Sheridan	Whitney
Draper	Howard	McLaughlin	Smith A E	Williams
Duell	Jackson	Mead	Smith C	Wood
Eagleton	Jordan	Merritt	Smith F L	Yale
Edwards	Joseph	Millen	Smith M	Young E
Evans	Klein	Miller J L	Spielberg	Young F L
Fay	Lachman	Miller W G		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1262, Rec. No. 328), entitled "An act to amend the Banking Law, relative to the removal from office of trustees of savings banks."

On motion of Mr. Francis, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desk of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 138

NOES 00

Those who voted in the affirmative were:

Allen	Fellows	Lanahan	Murphy C F	Staley
Barden	Filley	Lansing	Murphy F J	Stein
Bates	Foley	Lazarus	Murray	Sullivan
Baumann	Fowler	Lee	Neupert	Surpless
Baumes	Francis	Leffingwell	Nolan	Thompson
Bennett	Frisbie	Levy A J	Odell	Thorn
Bohan	Garbe	Levy J	Oliver	Todd
Boscart	Geoghegan	Lewis	O'Neil	Toombs
Brady	Glore	Lowe	Parker F B	Travis
Brennan	Glück	Lowman	Partridge	Voss
Brown C F	Goldberg	Lupton	Perkins	Waddell
Brown G W	Goodspeed	MacGregor	Phillips C W	Walters
Burhyte	Graubard	Manley	Phillips J S	Ward
Callan	Gray	Marks	Reed	Waters



Caughlan	Green	Marlatt	Robinson	Weaver
Cheney	Gunderman	Martin	Rozan	Weber
Clarke	Hackett	McCue	Sanner	Weimert
Colné	Hammond	McElligott	Sargent	Wende
Conklin	Hamm	McFarlane	Schutta	White E H
Cuvillier	Hawley	McGrath	Scott	White L H
De Groot	Hemenway	McInerney	Shea	Whitley
Donnelly	Hoey	McKeon	Sheridan	Whitney
Draper	Howard	McLaughlin	Smith A E	Williams
Duell	Jackson	Mead	Smith C	Wood
Eagleton	Jordan	Merritt	Smith F L	Yale
Edwards	Joseph	Millen	Smith M	Young E
Evans	Klein	Miller J L	Spielberg	Young F L
Fay	Lachman	Miller W G		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 2393, Int. No. 456), entitled "An act to regulate the taking of deposits by certain persons and partnerships."

On motion of Mr. Foley, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desk of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 138

NOES 00

Those who voted in the affirmative were:

Allen	Fellows	Lanahan	Murphy C F	Staley
Barden	Filley	Lansing	Murphy F J	Stern
Bates	Foley	Lazarus	Murray	Sullivan
Baumann	Fowler	Lee	Neupert	Surpless
Baumes	Francis	Leffingwell	Nolan	Thompson
Bennett	Frisbie	Levy A J	Odell	Thorn
Bohan	Garte	Levy J	Oliver	Todd
Boshart	Geoghegan	Lewis	O'Neil	Toombs
Brady	Glore	Lowe	Parker F B	Travis
Brennan	Glück	Lowman	Parker J S	Voss
Brown C F	Goldberg	Lupton	Partridge	Waddell
Brown G W	Goodspeed	MacGregor	Perkins	Walters
Burhyte	Graubard	Manley	Phillips C W	Ward
Callan	Gray	Marks	Reed	Waters
Caughlan	Green	Marlatt	Robinson	Weaver
Cheney	Gunderman	Martin	Rozan	Weber

Clarke	Hackett	McCue	Sanner	Weimert
Colné	Hammond	McElligott	Sargent	Wende
Conklin	Hamn	McFarlane	Schutta	White E H
Cuvillier	Hawley	McGrath	Scott	White L H
De Groot	Hemenway	McInerney	Shea	Whitley
Donnelly	Hoey	McKeon	Sheridan	Whitney
Draper	Howard	McLaughlin	Smith A E	Williams
Duell	Jackson	Mead	Smith C	Wood
Eagleton	Jordan	Merritt	Smith F L	Yale
Edwards	Joseph	Millen	Smith M	Young E
Evan	Klein	Miller J L	Spielberg	Young F L
Fay	Lachman	Miller W G		

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

Mr. W. G. Miller offered for the consideration of the House a resolution, in the following words:

Resolved (if the Senate concur), That Assembly bill (No. 1711, Int. No. 1395), entitled "An act to authorize the board of trustees of the village of Hempstead, Nassau county, New York, to regulate the construction, alteration or removal of all buildings and structures, and also to regulate the construction, alteration or removal of plumbing and drainage systems in said village of Hempstead," be returned to the Governor.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. W. G. Miller offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That Assembly bill (No. 132, Int. No. 132), entitled "An act to provide for the election of a surrogate in the county of Nassau, and to fix the salary of said surrogate," be returned to the Governor.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

The Senate sent for concurrence a resolution, in the words following:

IN SENATE, ALBANY, *April 30, 1909.*

Resolved (if the Assembly concur), That Senate bill (No. 881, Rec. No. 148), entitled "An act to amend the Penal Law, in rela-

tion to the damaging of automobiles or other motor vehicles," be returned to the Governor.

By order of the Senate,

LAFAYETTE B. GLEASON,

*Clerk.*

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk return said resolution to the Senate, with a message that the Assembly have concurred in the passage of the same.

The Senate returned the bill (No. 2249, Int. No. 1618), entitled "An act to amend the Tax Law, in relation to the compensation, and the powers and duties of the State Board of Tax Commissioners."

Also, the bill (No. 2308, Int. No. 1719), entitled "An act making appropriation for the State's proportion of the amounts appropriated for the repairs of highways, pursuant to sections ninety and ninety-three of the Highway Law," with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk deliver said bills to the Governor.

Also, the bill (No. 2112, Int. No. 1405), entitled "An act to amend chapter two hundred and twenty-five of the Laws of nineteen hundred and one, entitled 'An act to incorporate the city of Oneida,' in relation to compensation of members of the police force and members of the fire department," with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of Oneida.

Also, the bill (No. 1110, reprint No. 2391, Int. No. 993), entitled "An act to provide for the assessment and collection of deficiencies in amounts heretofore raised by assessment to defray the expense of certain local improvements in the city of Syracuse."

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of Syracuse.

Also, Senate bill (No. 905, Assembly reprint No. 2400, Rec. No. 159), entitled "An act to amend the Agricultural Law, entitled 'An act in relation to agriculture, constituting chapter one



of the Consolidated Laws,' in relation to issuing notices of or quarantines relative to infectious or contagious diseases," with a message that they have concurred in the amendments of the Assembly made thereto.

Ordered, That the Clerk return said bill to the Senate.

Also, Senate bill (No. 1099, Assembly reprint No. 2406, Rec. No. 267), entitled "An act making an appropriation for the purchase of lands for a site or sites for State hospitals for the insane in the southeastern part of the State," with a message that they have concurred in the amendments of the Assembly made thereto.

Ordered, That the Clerk return said bill to the Senate.

The Senate returned the Senate bill (No. 145, Rec. No. 86), entitled "An act to amend section eight hundred and twelve of the Code of Civil Procedure, in relation to general regulations respecting bonds and undertakings," with a message that they have concurred in the report of the committee of conference thereon.

Ordered, That the Clerk return said bill to the Senate.

The Senate returned the concurrent resolution providing for the appointment of a joint committee to investigate the financial administration of State institutions.

A communication from the Governor was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER,

ALBANY, April 5, 1909.

*To the Assembly:*

Pursuant to concurrent resolution of the Senate and Assembly, herewith is returned for amendment Assembly bill (No. 997, Int. No. 675), entitled "An act to amend the Judiciary Law, in relation to the powers and duties of temporary special deputy clerks."

CHARLES E. HUGHES.

A communication from the Governor was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER,

ALBANY, April 29, 1909.

*To the Assembly:*

Pursuant to concurrent resolution of the Senate and Assembly, herewith is returned for amendment Assembly bill (No. 132, Int.

No. 132), entitled "An act to provide for the election of a surrogate in the county of Nassau, and to fix the salary of said surrogate."

CHARLES E. HUGHES.

A communication from the Governor was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER,

ALBANY, April 29, 1909.

*To the Assembly:*

Pursuant to concurrent resolution of the Senate and Assembly, herewith is returned for amendment Assembly bill (No. 1711, Int. No. 1395), entitled "An act to authorize the board of trustees of the village of Hempstead, Nassau county, New York, to regulate the construction, alteration or removal of all buildings and structures, and also to regulate the construction, alteration or removal of plumbing and drainage systems in said village of Hempstead."

CHARLES E. HUGHES.

A communication from the Governor was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER,

ALBANY, April 20, 1909.

*To the Assembly:*

Pursuant to concurrent resolution of the Senate and Assembly, herewith is returned for amendment Assembly bill (No. 1047, Senate reprint No. 954, Int. No. 943), entitled "An act legalizing certain actions of the board of supervisors of Herkimer county."

CHARLES E. HUGHES.

The Senate returned the concurrent resolution returning to the Governor Assembly bill (No. 1711, Int. No. 1395), entitled "An act to authorize the board of trustees of the village of Hempstead, Nassau county, New York, to regulate the construction, alteration or removal of all buildings and structures, and also to regulate the construction, alteration or removal of plumbing and drainage systems in said village of Hempstead."

Also, Assembly bill (No. 132, Int. No. 132), entitled "An act to provide for the election of a surrogate in the county of Nassau,

and to fix the salary of said surrogate," with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said bills to the Governor.

The Clerk announced the resignation of G. C. Ryan from the position of general stenographer, which resignation was accepted to take effect at the close of the legislative day of April 9, 1909, also the appointment of Catharine Cox as general stenographer in place of said G. C. Ryan, resigned, her term of office to commence on the 10th day of April, 1909.

The Senate returned the bill (No. 660, Int. No. 619), entitled "An act to authorize and provide for the erection and maintenance of an additional public hospital in the city of New York," with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of New York.

Also, the bill (No. 2041, Int. No. 1563), entitled "An act to authorize the city of New York to grant to the New York Central and Hudson River Railroad Company, and to its lessors, rights, interests and easements in certain park lands, streets, avenues and places in the borough of the Bronx in the said city of New York," with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of New York.

Also, the bill (No. 1721, Int. No. 1398), entitled "An act to amend chapter one hundred and five of the Laws of eighteen hundred and ninety-one, entitled 'An act to revise the charter of the city of Buffalo,' in relation to the Municipal Court," with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of Buffalo.

Also, the bill (No. 2075, Int. No. 1577), entitled "An act to amend the Greater New York charter, in relation to the payment of necessary expenses for the administration of the public school teachers' retirement fund," with a message that they have concurred in the passage of the same without amendment.

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Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of New York.

Also, the bill (No. 2239, Int. No. 1202), entitled "An act to amend chapter four hundred and ten of the Laws of eighteen hundred and eighty-two, entitled 'An act to consolidate into one act and to declare the special and local laws affecting public interests in the city of New York,' in relation to Hell Gate pilots," with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of New York.

Also, the bill (No. 1070, Int. No. 840), entitled "An act to authorize the board of aldermen of the city of New Rochelle to release property of the First Presbyterian church in such city from certain assessments heretofore levied thereon and from the effect of any lease heretofore executed for the nonpayment of such assessments," with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of New Rochelle.

Also, the bill (No. 1724, Int. No. 1134), entitled "An act authorizing the board of estimate and apportionment of the city of New York, to select a site and to erect a monument to the memory of Thomas Dongan, and authorizing an appropriation therefor," with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of New York.

Also, the bill (No. 2100, Int. No. 1602), entitled "An act to repeal chapter two hundred and twenty-seven of the Laws of eighteen hundred and ninety-two, entitled 'An act in relation to the Anchorage in the city of Elmira,' " with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of Elmira.

Also, the bill (No. 1875, Int. No. 1156), entitled "An act to authorize the comptroller and corporation counsel of the city of

New York, on behalf of the said city, to compromise and settle with property owners interested, certain claims for taxes, assessments and sales for the same in the territory formerly included within the boundaries of the towns of Newtown, Flushing, Jamaica and that portion of the town of Hempstead now included within the boundaries of the city of New York," with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of New York.

Also, the bill (No. 1741, Int. No. 1169), entitled "An act authorizing the commissioners of the sinking fund of New York city to convey certain real property situated in Union Free School District Number Fifteen of the town of Hempstead, county of Nassau, and occupied by said school district as a school site, to the board of education of said Union Free School District Number Fifteen," with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of New York.

Also, the bill (No. 1893, Int. No. 1483), entitled "An act to amend the Greater New York charter, relative to granting authority to the board of estimate and apportionment to exchange lands under water in creeks, tributaries thereto, ditches, ponds and bays no longer required by the city of New York for public purposes, for lands of private owners necessary for the purpose of constructing a sewer drainage canal within the same borough," with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of New York.

Also, the bill (No. 2387, Int. No. 1496), entitled "An act to amend the Greater New York charter, relative to the compensation of commissioners of estimate and appraisal," with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of New York.

Also, the bill (No. 1933, Int. No. 1510), entitled "An act authorizing the board of estimate and apportionment of the city of New York, in its discretion, to direct that the cost and expense, or any part thereof, of opening and extending Canal place from East One Hundred and Thirty-eighth street to East One Hundred and Forty-fourth street, in said city, shall be borne and paid by the city of New York," with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of New York.

Also, the bill (No. 2145, Int. No. 1635), entitled "An act to amend chapter one hundred and twenty of the Laws of eighteen hundred and eighty-six, entitled 'An act to revise the charter of the city of Lockport,' relating to number of the members of the police force, the police fund, the garbage collection fund and fire fund," with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of Lockport.

Also, the bill (No. 2305, Int. No. 1722), entitled "An act to authorize the police commissioner of the city of New York, in his discretion, to open and inquire into the case of Frank C. Hochfeldt, formerly a patrolman in the police department of said city," with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of New York.

Also, the bill (No. 1889, Int. No. 1477), entitled "An act to amend the charter of the city of New Rochelle, in relation to terms of office of supervisors," with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of New Rochelle.

Also, the bill (No. 2211, Int. No. 879), entitled "An act to amend the Greater New York charter, in relation to the appointment and compensation of drivers of patrol wagons," with a message that they have concurred in the passage of the same without amendment.



Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of New York.

Also, the bill (No. 2151, Int. No. 1636), entitled "An act authorizing the city of Lockport to raise money for the purpose of building a bridge across the Eighteen Mile creek in said city, and for the improvement of its fire department, police department and garbage system, and to issue its bonds therefor," with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of Lockport.

Also, the bill (No. 2320, Int. No. 1730), entitled "An act to amend the Greater New York charter, relating to the opening of streets and parks, and the acquisition of title in fee or to an easement therein, or in lands for public purposes not elsewhere provided for," with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of New York.

Also, the bill (No. 2123, Int. No. 1615), entitled "An act to amend chapter five hundred and eighty of the Laws of nineteen hundred and two, entitled 'An act in relation to the Municipal Court of the city of New York, its officers and marshals,' in relation to payment of costs of motions," with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of New York.

Also, the bill (No. 1983, Int. No. 1281), entitled "An act to amend chapter three hundred and forty-eight of the Laws of eighteen hundred and sixty-seven, entitled 'An act to incorporate the Young Men's Christian Association of the city of Poughkeepsie,' generally."

Also, the bill (No. 1899, Int. No. 1490), entitled "An act to confer jurisdiction upon a court of claims to hear, audit and determine the alleged claim of William Conway, as administrator of the goods, chattels, credits and personal property of James Hendy, deceased, against the State of New York for damages for the death of said James Hendy, deceased, and to render judgment therein."

Also, the bill (No. 1659, Int. No. 191), entitled "An act to incorporate the Lower Bridge Company."

Also, the bill (No. 877, Int. No. 794), entitled "An act to amend chapter four hundred and eighteen of the Laws of nineteen hundred and eight, entitled 'An act to regulate the sessions of the board of supervisors in Oneida county and to fix the compensation for the members thereof,' in relation to time of meetings by the board."

Also, the bill (No. 2049, Int. No. 1572), entitled "An act to amend chapter three hundred and sixty-five of the Laws of eighteen hundred and ninety-four, entitled 'An act to provide for indexing and reindexing conveyances, mortgages, and other instruments, relating to lands and liens thereon in the county of Kings,' in relation to the land map of the county of Kings in the register's office in said county."

Also, the bill (No. 1144, Int. No. 1003), entitled "An act to amend the Town Law, in relation to powers of town meeting."

Also, the bill (No. 1785, Int. No. 1436), entitled "An act to amend the County Law, in relation to powers of supervisors in Erie county."

Also, the bill (No. 1962, Int. No. 1126), entitled "An act to amend chapter two hundred and thirty-one of the Laws of eighteen hundred and seventy-six, entitled 'An act to make the office of supervisor in the county of Erie a salaried office, and to provide for the appointment and compensation of other officers of said board,' relating to the office of supervisors in Erie county."

Also, the bill (No. 753, Int. No. 702), entitled "An act to amend the General Corporation Law, in relation to the voluntary dissolution of corporations."

Also, the bill (No. 750, Int. No. 699), entitled "An act to amend the Stock Corporations Law, in relation to change of number of directors."

Also, the bill (No. 752, Int. No. 701), entitled "An act to amend the Stock Corporations Law, relative to the increase or reduction of capital stock."

Also, the bill (No. 1799, Int. No. 1066), entitled "An act to amend the Town Law, in relation to undertakings of supervisor and collector."

Also, the bill (No. 1861, Int. No. 1084), entitled "An act to make the office of county clerk of Genesee county a salaried office and regulating the management of said office and fixing the salary of said clerk and his assistants."

Also, the bill (No. 1564, Int. No. 1211), entitled "An act to amend the Code of Civil Procedure, in relation to appointment of successors to executors and administrators."

Also, the bill (No. 1813, Int. No. 1136), entitled "An act to amend the General Business Law, in relation to trade-marks."

Also, the bill (No. 1147, Int. No. 1006), entitled "An act to amend the Business Corporations Law, in relation to the incorporation of companies for practicing law."

Also, the bill (No. 1565, Int. No. 952), entitled "An act to provide for the erection of a monument in the National Cemetery at New Berne, North Carolina, to the memory of Union soldiers of the Civil War, from the State of New York, there buried, and making an appropriation therefor."

Also, the bill (No. 1776, Int. No. 1427), entitled "An act to amend the Public Health Law, in relation to the application of certain provisions to the village of Saranac lake."

Also, the bill (No. 1589, Int. No. 1320), entitled "An act to amend the Town Law, in relation to the powers of commissioners of water districts outside of incorporated cities and villages."

Also, the bill (No. 548, Int. No. 516), entitled "An act to amend the Tax Law, in relation to collector's receipts."

Also, the bill (No. 1376, Int. No. 1188), entitled "An act conferring jurisdiction on the Comptroller to hear and determine an application to set aside certain tax sales."

Also, the bill (No. 1904, Int. No. 899), entitled "An act to provide for the purchase by the State of certain lands in Saratoga county and making an appropriation therefor."

Also, the bill (No. 2009, Int. No. 859), entitled "An act to amend the Public Health Law, in relation to compensation of local health officers."

Also, the bill (No. 2141, Int. No. 1076), entitled "An act to amend the Election Law, in relation to the times and purposes of official primaries."

Also, the bill (No. 1808, Int. No. 394), entitled "An act pro-



viding for the erection of a boathouse, shelters, wharves and retaining walls at the city of Buffalo for the Third Separate Division of the Naval Militia, upon lands of the State in the city of Buffalo, and making an appropriation therefor."

Also, the bill (No. 1835, Int. No. 1361), entitled "An act to amend the Forest, Fish and Game Law, in relation to the use of scap nets."

Also, the bill (No. 1961, Int. No. 1338), entitled "An act to amend chapter six hundred and eighty-seven of the Laws of eighteen hundred and ninety-four, entitled 'An act to regulate the commitment and discharge of certain prisoners, tramps and vagrants, in Westchester county, and to prescribe the effect thereof, to provide for the support of the prisoners in the jail in the county of Westchester, and to fix the duties and compensation of the sheriff of said county and of certain employees in the jail in said county,' relative to the powers and duties of sheriff, and the salaries of officers and employees in his office."

Also, the bill (No. 1740, Int. No. 1028), entitled "An act to amend the Town Law, relating to town auditors."

Also, the bill (No. 1563, Int. No. 736), entitled "An act to amend the Agricultural Law, in relation to investigation of certain questions relative to milk and milk products, and making an appropriation therefor."

Also, the bill (No. 1692, Int. No. 960), entitled "An act to amend the Election Law, relative to designation of places for registry and voting."

Also, the bill (No. 1499, Int. No. 906), entitled "An act to provide for the erection of a monument to the memory of Martin Van Buren, and making an appropriation therefor."

Also, the bill (No. 2004, Int. No. 1203), entitled "An act to amend the State Charities Law, relative to the commitment to the New York State Training School for Girls."

Also, the bill (No. 2225, Int. No. 1674), entitled "An act to amend the Decedent Estate Law, in relation to the authentication of foreign wills, records and papers relating to decedents' estates."

Also, the bill (No. 2212, Int. No. 208), entitled "An act to amend sections eighty-two and eighty-four of chapter one hundred and thirty of the Laws of nineteen hundred and eight, entitled 'An act for the protection of forest, fish and game of the State.' "

Also, the bill (No. 970, Int. No. 871), entitled "An act to amend chapter nineteen of the Consolidated Laws, being the Forest, Fish and Game Law, in relation to the open season for trout in Delaware county."

Also, the bill (No. 2096, Int. No. 1598), entitled "An act to provide for the improvement of the Delaware river at the village of Deposit, Delaware county, and making an appropriation therefor."

Also, the bill (No. 2352, Int. No. 1748), entitled "An act to amend the Forest, Fish and Game Law, in relation to spearing in the Delaware river, in the town of Middletown, Delaware county."

Also, the bill (No. 2260, Int. No. 1692), entitled "An act to authorize the board of trustees of the village of Ellenville, in the county of Ulster, to provide for a supply of water for such village and to raise the necessary funds therefor by issuing and selling village bonds."

Also, the bill (No. 2322, Int. No. 1732), entitled "An act to amend article eight of chapter thirty-three of the Consolidated Laws, known as the 'Lien Law,' in relation to the discharge of a lien on personal property."

Also, the bill (No. 347, Int. No. 340), entitled "An act to provide for repairs, improvements and betterments to the State armory in the borough of Brooklyn, in the city of New York, occupied by the Forty-seventh Regiment, National Guard, State of New York, and making an appropriation therefor."

Also, the bill (No. 2365, Int. No. 1751), entitled "An act to amend chapter one hundred and forty-seven of the Laws of nineteen hundred and three, entitled 'An act making provision for issuing bonds to the amount of not to exceed one hundred and one million dollars for the improvement of the Erie canal, the Oswego canal and the Champlain canal, and providing for a submission of the same to the people to be voted upon at the general election to be held in the year nineteen hundred and three, by adding thereto a new section to be known as section seventeen thereof, to provide for the sale of the materials encountered in excavation and not necessary for the improvement work."

Also, the bill (No. 2019, Int. No. 1367), entitled "An act to make the office of sheriff of the county of Queens a salaried office, and regulating the management of said office."

Also, the bill (No. 2330, Int. No. 64), entitled "An act to confer jurisdiction upon the Court of Claims to hear and determine any and all claims against the State for damages alleged to have been sustained by any juror serving in any court of record in the State and to render judgment therefor."

Also, the bill (No. 2372, Int. No. 1600), entitled "An act to amend the Village Law, in relation to notice before the accrual of certain causes of actions against villages for damages for personal injuries resulting from negligence."

Also, the bill (No. 2342, Int. No. 1738), entitled "An act authorizing the Temple Israel of Harlem, a religious corporation, to increase the number of its trustees from nine to any number not exceeding fifteen."

Also, the bill (No. 2257, Int. No. 1689), entitled "An act for the relief of the town of Fremont, in the county of Sullivan."

Also, the bill (No. 2380, Int. No. 1755), entitled "An act to provide ways and means for the annual contribution to the highway improvement sinking fund."

Also, the bill (No. 2381, Int. No. 1756), entitled "An act to provide ways and means for the annual contribution to the canal debt sinking funds."

Also, the bill (No. 2382, Int. No. 1757), entitled "An act making an appropriation for the payment of interest on the debt for highway improvement contracted or to be contracted under article seven, section twelve of the Constitution, and as provided by law for the fiscal year beginning on the first day of October, nineteen hundred and eight."

Also, the bill (No. 2385, Int. No. 1760), entitled "An act making an appropriation for the payment of interest on the debt for highway improvement contracted or to be contracted under article seven, section twelve of the Constitution, and as provided by law, for the fiscal year beginning on the first day of October, nineteen hundred and nine."

Also, the bill (No. 2384, Int. No. 1759), entitled "An act making an appropriation for the payment for the fiscal year beginning on the first day of October, nineteen hundred and nine, of interest on the canal debt contracted or to be contracted under article seven, section four of the Constitution."



Also, the bill (No. 2385, Int. No. 1760), entitled "An act making an appropriation for the payment for the fiscal year beginning on the first day of October, nineteen hundred and eight, of interest on the canal debt contracted or to be contracted under article seven, section four of the Constitution."

Also, the bill (No. 1450, Int. No. 1246), entitled "An act to amend the Military Law, in relation to pay and allowances."

Also, the bill (No. 2386, Int. No. 1761), entitled "An act to amend the Public Lands Law, in relation to persons entitled to petition for release in lands escheated to State."

Also, the bill (No. 2314, Int. No. 1678), entitled "An act to amend the Membership Corporations Law, in relation to formation of proprietor's corporations."

Also, the bill (No. 2195, Int. No. 1658), entitled "An act to amend the Code of Civil Procedure, in relation to proofs upon which to found service of summons by publication."

Also, the bill (No. 2336, Int. No. 1099), entitled "An act to amend the Code of Civil Procedure, relative to personal service of summons upon certain unincorporated associations."

Also, the bill (No. 2280, Int. No. 1708), entitled "An act to amend the Education Law, in relation to teachers' training classes and training schools," with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk deliver said bills to the Governor.

Also, Assembly bill (No. 1383, Senate reprint No. 1579, Int. No. 1195), entitled "An act making appropriations for the Eastern New York State Custodial Asylum, established by chapter three hundred and thirty-one of the Laws of nineteen hundred and seven, to be known hereafter as 'Letchworth Village.'"

Ordered, That the Clerk deliver said bill to the Governor.

Also, Assembly bill (No. 1778, Senate reprint No. 1561, Int. No. 1429), entitled "An act to amend section eighty-eight of article two of chapter twenty-eight of the Consolidated Laws, as to the surrender value of certain life insurance policies."

Ordered, That the Clerk deliver said bill to the Governor.

Also, Assembly bill (No. 1865, Senate reprint No. 1494, Int. No. 1164), entitled "An act to amend the Greater New York charter, in relation to regulating and licensing public dancing academies."

Also, Assembly bill (No. 2182, Senate reprint No. 1511, Int. No. 479), entitled "An act to amend the Greater New York charter, in relation to ambulance service."

Ordered, That the Clerk transmit certified copies thereof to the mayor of the city of New York.

Senators Conger and Gardner, a committee from the Senate, appeared in the Assembly Chamber and announced that the Senate had completed its labors and is ready to adjourn.

Mr. Merritt offered for the consideration of the House a resolution, in the words following:

Resolved, That a committee of two be appointed by the Speaker to wait upon the Governor and inform him that the Assembly has completed its labors and is ready to adjourn.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Mr. Speaker appointed Messrs. Merritt and Frisbie as such committee.

Mr. Hammond offered for the consideration of the House a resolution, in the words following:

Resolved, That a committee of two be appointed by the Speaker to inform the Senate that the Assembly has completed its labors and is ready to adjourn.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Mr. Speaker appointed Messrs. Hammond and Oliver as such committee.

Mr. Whitley offered for the consideration of the House a resolution, in the words following:

Resolved, That the Sergeant-at-Arms be and is hereby directed to take charge of and perform all necessary duties required by any committee of the Assembly or sub-committee thereof that shall conduct any investigation or examination authorized by the Assembly to be performed by such committee during recess.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 134

NOES 00

Those who voted in the affirmative were:

Allen	Farrar	Lachman	Miller W G	Stern
Barden	Fay	Lanahan	Murphy C F	Sullivan
Bates	Fellows	Lansing	Murphy F J	Surpless
Baumann	Filley	Lazarus	Murray	Thompson
Baumes	Foley	Lee	Neupert	Thorn
Bennett	Fowler	Leffingwell	Nolan	Todd
Bohan	Francis	Levy A J	Odell	Toombs
Boshart	Garbe	Levy J	O'Neil	Travis
Brady	Geoghegan	Lewis	Parker F B	Voss
Brennan	Glore	Lowe	Partridge	Waddell
Brown C F	Glück	Lowman	Perkins	Walters
Brown G W	Goldberg	Lupton	Phillips C W	Ward
Burhyte	Goodspeed	MacGregor	Reed	Waters
Callan	Graubard	Manley	Robinson	Weaver
Caughlan	Gray	Marks	Rozan	Weber
Cheney	Green	Mørlatt	Sanner	Weimert
Clarke	Gunderman	Martin	Sargent	Wende
Colné	Hæckett	McCue	Schutta	White E H
Conklin	Hamn	McElligott	Scott	White L H
Cuvillier	Hawley	McFarlane	Shea	Whitley
De Groot	Hemenway	McGrath	Sheridan	Whitney
Donnelly	Hoey	McInerney	Smith A E	Williams
Draper	Howard	McKeon	Smith C	Wood
Duell	Jackson	McLaughlin	Smith F L	Yale
Eagleton	Jordan	Mead	Smith M	Young E
Edwards	Joseph	Millen	Spielberg	Young F L
Evans	Klein	Miller J L	Staley	

Mr. Hemenway offered for the consideration of the House a resolution, in the words following:

Resolved, That the postmaster of the Assembly be and is hereby directed to remain for a period of ten days after the adjournment of the Legislature to close up the affairs of his office and forward mail matter.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 133

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Lanahan	Murphy C F	Stern
Barden	Fellows	Lansing	Murphy F J	Sullivan
Bates	Filley	Lazarus	Murray	Surpless
Baumann	Foley	Lee	Neupert	Thompson
Baumes	Fowler	Leffingwell	Nolan	Thorn
Bennett	Francis	Levy A J	Odell	Todd



Bohan	Garbe	Levy J	O'Neil	Toombs
Boshart	Geoghegan	Lewis	Parker F B	Travis
Brady	Glore	Lowe	Partridge	Voss
Brennan	Glück	Lowman	Perkins	Waddell
Brown C F	Goldberg	Lupton	Phillips C W	Walters
Brown G W	Goodspeed	MacGregor	Reed	Ward
Burhyte	Graubard	Manley	Robinson	Waters
Callan	Gray	Marks	Rozan	Weaver
Caughlan	Green	Marlatt	Sanner	Weber
Cheney	Gunderman	Martin	Sargent	Weimert
Clarke	Hackett	McCue	Schutta	Wende
Colné	Hamn	McElligott	Scott	White E H
Conklin	Hawley	McFarlane	Shea	White L H
Cuvillier	Hemenway	McGrath	Sheridan	Whitley
De Groot	Hoey	McInerney	Smith A E	Whitney
Donnelly	Howard	McKeon	Smith C	Williams
Draper	Jackson	McLaughlin	Smith F L	Wood
Duell	Jordan	Mead	Smith M	Yale
Eagleton	Joseph	Millen	Spielberg	Young E
Edwards	Klein	Miller J L	Staley	Young F L
Evans	Lachman	Miller W G		

Mr. Whitney offered for the consideration of the House a resolution, in the words following:

Resolved, That the journal clerk and the second assistant journal clerk be directed to remain during the recess for a period of forty-five days beginning September 1, 1909, for the purpose of making comparison of the printed volume or volumes of the Assembly journal from the original manuscript copy thereof and noting the errors therein, under the direction of the Clerk of the Assembly, in accordance with the provisions of chapter thirty-seven of the Laws of 1909.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 133

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Lanahan	Murphy C F	Stern
Barden	Fellows	Lansing	Murphy F J	Sullivan
Bates	Filley	Lazarus	Murray	Surpless
Baumann	Foley	Lee	Neupert	Thompson
Baumes	Fowler	Leffingwell	Nolan	Thorn
Bennett	Francis	Levy A J	Odell	Todd
Bohan	Garbe	Levy J	O'Neil	Toombs
Boshart	Geoghegan	Lewis	Parker F B	Travis
Brady	Glore	Lowe	Partridge	Voss
Brennan	Glück	Lowman	Perkins	Waddell
Brown C F	Goldberg	Lupton	Phillips C W	Walters
Brown G W	Goodspeed	MacGregor	Reed	Ward

Burhyte	Graubard	Manley	Robinson	Waters
Callan	Gray	Marks	Rozan	Weaver
Caughlan	Green	Marlatt	Sanner	Weber
Cheney	Gunderman	Martin	Sargent	Weimert
Clarke	Hackett	McCue	Schmidt	Wende
Colné	Hamn	McElligott	Scott	White E H
Conklin	Hawley	McFarlane	Shea	White L H
Cuvillier	Hemenway	McGrath	Sheridan	Whitley
De Groot	Hoey	McInerney	Smith A E	Whitney
Donnelly	Howard	McKeon	Smith C	Williams
Draper	Jackson	McLaughlin	Smith F L	Wood
Duell	Jordan	Mead	Smith M	Yale
Eagleton	Joseph	Millen	Spielberg	Young E
Edwards	Klein	Miller J L	Staley	Young F L
Evans	Lachman	Miller W G		

Mr. Yale offered for the consideration of the House a resolution, in the words following:

Resolved, That the librarian and assistant librarian of the Assembly be directed to remain during the recess of the Legislature to attend to the keeping open of the Assembly Library and in performing such work as may be necessary in preserving, arranging, rearranging and indexing the books, documents, papers and records thereof and in affording facilities for proper access thereto during said period.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 133

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Lanahan	Murphy C F	Stern
Barden	Fellows	Lansing	Murphy F J	Sullivan
Bates	Filley	Lazarus	Murray	Surpluss
Baumann	Foley	Lee	Neupert	Thompson
Baumes	Fowler	Leffingwell	Nolan	Thorn
Bennett	Francis	Levy A J	Odell	Todd
Bohan	Garbe	Levy J	O'Neil	Toombs
Boshart	Geoghegan	Lewis	Parker F B	Travis
Brady	Glore	Lowe	Partridge	Voss
Brennan	Glück	Lowman	Perkins	Waddell
Brown C F	Goldberg	Lupton	Phillips C W	Walters
Brown G W	Goodspeed	MacGregor	Reed	Ward
Burhyte	Graubard	Manley	Robinson	Waters
Callan	Gray	Marks	Rozan	Weaver
Caughlan	Green	Marlatt	Sanner	Weber
Cheney	Gunderman	Martin	Sargent	Weimert
Clarke	Hackett	McCue	Schutta	Wende
Colné	Hamn	McElligott	Scott	White E H
Conklin	Hawley	McFarlane	Shea	White L H
Cuvillier	Hemenway	McGrath	Sheridan	Whitley

De Groot	Hoey	McInerney	Smith A E	Whitney
Donnelly	Howard	McKeon	Smith C	Williams
Draper	Jackson	McLaughlin	Smith F L	Wood
Duell	Jordan	Mead	Smith M	Yale
Eagleton	Joseph	Millen	Spielberg	Young E
Edwards	Klein	Miller J L	Staley	Young F L
Evans	Lachman	Miller W G		

Mr. Nolan offered for the consideration of the House a resolution, in the words following:

Resolved, That James H. Millard, chief messenger in charge of pages, Michael McGrath, messenger, William F. Flynn, page, be directed to remain for ninety days after the adjournment of the Legislature to attend to the proper shipping of boxes, files, documents and reports under the direction of the Clerk of the Assembly.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 133

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Lanahan	Murphy C F	Stern
Barden	Fellows	Lansing	Murphy F J	Sullivan
Bates	Filley	Lazarus	Murray	Surpless
Baumann	Foley	Lee	Neupert	Thompson
Baumes	Fowler	Leffingwell	Nolan	Thorn
Bennett	Francis	Levy A J	Odell	Todd
Bohan	Garbe	Levy J	O'Neil	Toombs
Boshart	Geoghegan	Lewis	Parker F B	Travis
Brady	Glore	Lowe	Partridge	Voss
Brennan	Glück	Lowman	Perkins	Waddell
Brown C F	Goldberg	Lupton	Phillips C W	Walters
Brown G W	Goodspeed	MacGregor	Reed	Ward
Burhyte	Graubard	Manley	Robinson	Waters
Callan	Gray	Marks	Rozan	Weaver
Caughlan	Green	Marlatt	Sanner	Weber
Cheney	Gunderman	Martin	Sargent	Weimert
Clarke	Hackett	McCue	Schutta	Wende
Colné	Hamn	McElligott	Scott	White E H
Conklin	Hawley	McFarlane	Shea	White L H
Cuvillier	Hemenway	McGrath	Sheridan	Whitley
De Groot	Hoey	McInerney	Smith A E	Whitney
Donnelly	Howard	McKeon	Smith C	Williams
Draper	Jackson	McLaughlin	Smith F L	Wood
Duell	Jordan	Mead	Smith M	Yale
Eagleton	Joseph	Millen	Spielberg	Young E
Edwards	Klein	Miller J L	Staley	Young F L
Evans	Lachman	Miller W G		



Mr. Filley offered for the consideration of the House a resolution, in the words following:

Resolved, That the second assistant journal clerk be directed to remain for ninety days after adjournment to complete the making of the typewritten copy of the journal and perform such other services as may be required under the direction of the journal clerk.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 133

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Lanahan	Murphy C F	Stern
Barden	Fellows	Lansing	Murphy F J	Sullivan
Bates	Filley	Lazarus	Murray	Surpless
Baumann	Foley	Lee	Neupert	Thompson
Baumes	Fowler	Leffingwell	Nolan	Thorn
Bennett	Francis	Levy A J	Odell	Todd
Bohan	Garbe	Levy J	O'Neil	Toombs
Boshart	Geoghegan	Lewis	Parker F B	Travis
Brady	Glore	Lowe	Partridge	Voss
Brennan	Glück	Lowman	Perkins	Waddell
Brown C F	Goldberg	Lupton	Phillips C W	Walters
Brown G W	Goodspeed	MacGregor	Reed	Ward
Burhyte	Graubard	Manley	Robinson	Waters
Callan	Gray	Marks	Rozan	Weaver
Caughlan	Green	Marlatt	Sanner	Weber
Cheney	Gunderman	Martin	Sargent	Weimert
Clarke	Hackett	McCue	Schutta	Wende
Colné	Hamn	McElligott	Scott	White E H
Conklin	Hawley	McFarlane	Shea	White L H
Cuvillier	Hemenway	McGrath	Sheridan	Whitley
De Groot	Hoey	McInerney	Smith A E	Whitney
Donnelly	Howard	McKeon	Smith C	Williams
Draper	Jackson	McLaughlin	Smith F L	Wood
Duell	Jordan	Mead	Smith M	Yale
Eagleton	Joseph	Millen	Spielberg	Young E
Edwards	Klein	Miller J L	Staley	Young F L
Evans	Lachman	Miller W G		

Mr. Waters offered for the consideration of the House a resolution, in the words following:

Resolved, That Dwight L. Goewey, tally clerk, be directed to remain during the recess to assist in the proofreading of the journal, the transmission of bills and documents and to perform such other services as the Clerk may direct.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 133

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Lanahan	Murphy C F	Stern
Barden	Fellows	Lansing	Murphy F J	Sullivan
Bates	Filley	Lazarus	Murray	Surpless
Baumann	Foley	Lee	Neupert	Thompson
Baumes	Fowler	Leffingwell	Nolan	Thorn
Bennett	Francis	Levy A J	Odell	Todd
Bohan	Garbe	Levy J	O'Neil	Toombs
Boshart	Geoghegan	Lewis	Parker F B	Travis
Brady	Glore	Lowe	Partridge	Voss
Brennan	Glück	Lowman	Perkins	Waddell
Brown C F	Goldberg	Lupton	Phillips C W	Walters
Brown G W	Goodspeed	MacGregor	Reed	Ward
Burhyte	Graubard	Manley	Robinson	Waters
Callan	Gray	Marks	Rozan	Weaver
Caughlan	Green	Marlatt	Sanner	Weber
Cheney	Gunderman	Martin	Sargent	Weimert
Clarke	Hackett	McCue	Schutta	Wende
Colné	Hamn	McElligott	Scott	White E H
Conklin	Hawley	McFarlane	Shea	White L H
Cuvillier	Hemenway	McGrath	Sheridan	Whitley
De Groot	Hoey	McInerney	Smith A E	Whitney
Donnelly	Howard	McKeon	Smith C	Williams
Draper	Jackson	McLaughlin	Smith F L	Wood
Duell	Jordan	Mead	Smith M	Yale
Eagleton	Joseph	Millen	Spielberg	Young E
Edwards	Klein	Miller J L	Staley	Young F L
Evans	Lachman	Miller W G		

Mr. J. S. Phillips offered for the consideration of the House a resolution, in the words following:

Resolved, That the Clerk of the Assembly be and is hereby authorized and directed to appoint such stenographers and employees during the recess as he may deem necessary to complete the making of the typewritten copy of the original manuscript copy of the journal, assist in the shipping of reports and documents, in proofreading and making comparison of the printed volumes of the Assembly journal and documents under the direction of the Clerk and journal clerk, as required by chapter thirty-seven of the Laws of nineteen hundred and nine, also to make certified copies of the journals, documents and papers on file with the Clerk and to assist in the performance of the other clerical and detail work connected with the performance of the duties of his office, at such rate of compensation and for such periods of time

as may be determined by him, their compensation to be paid out of the appropriation for salaries and compensation of officers and employees of the Legislature upon the certificate of the Clerk.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 133

NOES 00

Those who voted in the affirmative were:

Allen	Fay	Lanahan	Murphy C F	Stern
Barden	Fellows	Lansing	Murphy F J	Sullivan
Bates	Filley	Lazarus	Murray	Surpluss
Baumann	Foley	Lee	Neupert	Thompson
Baumes	Fowler	Leffingwell	Nolan	Thorn
Bennett	Francis	Levy A J	Odell	Todd
Bohan	Garbe	Levy J	O'Neil	Toombs
Boshart	Geoghegan	Lewis	Parker F B	Travis
Brady	Glore	Lowe	Partridge	Voss
Brennan	Glück	Lowman	Perkins	Waddel
Brown C F	Goldberg	Lupton	Phillips C W	Walters
Brown G W	Goodspeed	MacGregor	Reed	Ward
Burhyte	Graubard	Manley	Robinson	Waters
Callan	Gray	Marks	Rozan	Weaver
Caughlan	Green	Marlatt	Sanner	Weber
Cheney	Gunderman	Martin	Sargent	Weimert
Clarke	Hackett	McCue	Schutta	Wende
Colné	Hamm	McElligott	Scott	White E H
Conklin	Hawley	McFarlane	Shea	White L H
Cuvillier	Hemenway	McGrath	Silbermann	Whitley
De Groot	Hoey	McInerney	Smith A E	Whitney
Donnelly	Howard	McKeon	Smith C	Williams
Draper	Jackson	McLaughlin	Smith F L	Wood
Duell	Jordan	Mead	Smith M	Yale
Eagleton	Joseph	Millen	Spielberg	Young E
Edwards	Klein	Miller J L	Staley	Young F L
Evans	Lachman	Miller W G		

Mr. Hammond, from the committee appointed to wait upon the Senate and inform that honorable body that the Assembly has completed its labors and is ready to adjourn, reported that it had performed that duty.

Mr. Merritt, from the committee appointed to wait upon the Governor and inform him that the Assembly has completed its labors and is ready to adjourn, reported that they had performed that duty.

Mr. Frisbie offered for the consideration of the House a resolution, in the words following:

Resolved, That J. W. Burnett, stenographer to the minority and



Vivany Moore, messenger, be directed to remain for a period of twenty days after the session for the purpose of performing such stenographic and clerical services as may be required by the minority leader and members of the minority during that period.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 137

NOES 00

Those who voted in the affirmative were:

Allen	Fellows	Lanahan	Miller W G	Staley
Barden	Filley	Lansing	Murphy C F	Stern
Bates	Foley	Lazarus	Murphy F J	Sullivan
Baumann	Fowler	Lee	Murray	Surpless
Baumes	Francis	Leffingwell	Neupert	Thompson
Bennett	Frisbie	Levy A J	Nolan	Thorn
Bohan	Garbe	Levy J	Odell	Todd
Boshart	Geoghegan	Lewis	Oliver	Toombs
Brady	Glore	Lowe	O'Neil	Travis
Brennan	Glück	Lowman	Parker F B	Voss
Brown C F	Goldberg	Lupton	Partridge	Waddell
Brown G W	Goodspeed	MacGregor	Perkins	Walters
Burhyte	Graubard	Manley	Phillips C W	Ward
Callan	Gray	Marks	Reed	Waters
Caughlan	Green	Marlatt	Robinson	Weaver
Cheney	Gunderman	Martin	Rozan	Weber
Clarke	Hackett	McCue	Sanner	Weimert
Colné	Hammond	McElligott	Sargent	Wende
Conklin	Hamm	McFarlane	Schutta	White E H
Cuvillier	Hawley	McGrath	Scott	White L H
De Groot	Hemenway	McInerney	Shea	Whitley
Donnelly	Hoey	McKeon	Sheridan	Whitney
Draper	Howard	McLaughlin	Smith A E	Williams
Duell	Jackson	Mead	Smith C	Wood
Eagleton	Jordan	Merritt	Smith F L	Yale
Edwards	Joseph	Millen	Smith M	Young E
Evans	Klein	Miller J L	Spielberg	Young F L
Fay	Lachman			

Pursuant to provisions of section thirteen of the Legislative Law the Speaker announced the designation of the following officers of the Assembly to remain after adjournment of the Legislature for a period of thirty days: Assistant Clerk, William V. Ross; Journal Clerk, Wm. K. Mansfield; Index Clerk, John A. Cole; Deputy Clerk in charge of Revision, Charles H. Clark; Financial Clerk, G. A. Matteson.

Pursuant to the provisions of section twelve of the Legislative Law the Clerk announced the designation of William V. Ross,

assistant clerk, to attend and receive compensation for a period of eight days prior to the opening of the succeeding Legislature.

Pursuant to concurrent resolution, Mr. Speaker appointed Messrs. Hammond, C. F. Murphy, Robinson, A. E. Smith and Geoghegan a committee on the part of the Assembly to examine and consider the proposed new charter and administrative code for the city of New York.

Pursuant to concurrent resolution, Mr. Speaker appointed Messrs. Merritt, Yale, Ward, Walters, and Caughlan a committee on the part of the Assembly to investigate and consider the question of extending the jurisdiction of the Public Service Commissions to persons and corporations operating telephone and telegraph services.

Pursuant to concurrent resolution, Mr. Speaker appointed Messrs. Lowe, Voss, Thorn, C. W. Phillips and Jackson a committee on the part of the Assembly to investigate the conditions of the unemployed.

Pursuant to concurrent resolution, Mr. Speaker appointed Messrs. Whitney, Merritt, J. S. Parker, C. Smith and Frisbie a committee on the part of the Assembly to investigate the conduct and management of institutions receiving State aid and into the functions of any or all State departments concerned in the management of such institutions.

Pursuant to concurrent resolution, Mr. Speaker appointed Messrs. J. S. Phillips, Conklin, Howard, Scott and Fay a committee on the part of the Assembly to investigate the operation of the direct primary systems of various States.

Mr. Speaker: A persistent effort has been made to create the impression that the Legislature of 1909, has studiously failed to respond to recommendations of the Governor. To correct this impression, and for the purpose of furnishing concrete information to the public as to the more prominent accomplishments of the session which is closing, a somewhat hasty collection of the record has been made by me. As the result, it is found that in addition to the vast amount of routine work which the Legislature, each year, is called upon to perform, twenty-five exceedingly important enactments have been made, all but one or two of which have been recommended by the Chief Executive in his regular or special

messages to the Legislature that has been introduced and passed by both Houses, under the well conceived impression that they will meet with his approval. The list of these enactments and a perusal of them, both as to their importance and their number, indicates very clearly, that the Legislature has responded with willingness and alacrity to the great number of the Governor's recommendations. Indeed, it may be said, with truth, that no Governor has ever secured the enactment of a greater percentage of recommendations than Governor Hughes.

A bill has been passed facilitating the location and establishment of tuberculosis hospitals.

A constitutional amendment passed for the Second District equalizing the salaries of the judges of the Court of Appeals.

A constitutional amendment passed for the Second District equalizing the salaries of the justices of the Supreme Court and doing away with the much criticised lump sum expense item in the future.

A bill amending the insurance law, by modifying some of the provisions, in order that New York insurance companies may compete, more successfully with companies organized in other states.

A bill providing for liquidation of insurance companies under the direction of the Superintendent of Insurance.

A bill reorganizing the State Board of Pharmacy.

A new motor vehicle law including provisions for an annual license, which is expected to bring in a large revenue to the State and to aid in the maintenance of improved roads.

Important amendments to the Agricultural Law, which, amongst other things, provides for better fire protection for the forests.

An act to abolish the office of quarantine commissioner and transferring the duties of that commission to the Health Officer of the Port of New York, by which a considerable saving is affected.

An act providing for a commission to investigate the conditions of unemployment in the State, and of the problem of employer's liability.

An important amendment to the Agricultural Law to prevent the importation of diseased animals into the State of New York.

An important amendment to the Labor Law by enumerating dangerous occupations in which children shall not be employed.



Provision has been made for the further enlargement of the State Fair established at Syracuse.

Provision has been made by liberal appropriations for increased facilities at the State College of Agriculture and the State Veterinary College at Cornell University.

Also for the agricultural colleges at Alford, Middletown and Canton.

Also improvements are provided for at the Geneva Experiment Station.

Liberal appropriations have been made in behalf of the Hudson-Fulton Celebration and the Champlain Tercentenary.

A bill providing for the establishment of a new State institution known as "Letchworth Village."

Also for the establishment of a prison at Comstock to take care of the excess prison population.

An amendment to the Constitution, passed for the second time and now to be submitted to the people, exempting from the debt limit provision bonds issued for the construction of subways and docks, a measure which it is confidently believed will result in giving additional subways and dock facilities, in particular for the city of New York.

Also an important amendment to the Rapid Transit Act through which a better opportunity will be afforded to the city of New York and the Public Service Commission to complete with private capital the extensions of the subway system.

A referendum bill which, approved by the people, will result in the completion of the State's new waterways to the Cayuga and Seneca lakes.

A referendum bill which if approved by the people will secure for veterans of the Civil War a pension, the money for which is to be raised by direct State taxes.

An important amendment to the Franchise Tax Law to better enable the enforcement of the payment of such taxes.

The creation of a forest preserve in the Highlands of the Hudson.

Appropriations for the further purchase of lands in the Adirondack park.

Important amendments to the New York city charter, emanating from the Cassidy investigating committee.

In addition to the above, important amendments to the Public Service Law will have passed the Assembly. The Assembly has stood consistently for those amendments from the introduction of the bill.

Also a bill to enable the Commissioner of Health to prevent the pollution of the streams of the State, which has passed the Assembly.

Now that the Assembly of 1909 is about to close, it may be proper for me to comment briefly on conditions which have faced this Legislature and to a certain extent its predecessors. It is unfortunate that so many measures of prime importance whose preparation has been intrusted to persons outside of the Legislature have been introduced at so late a day in the session as to preclude that careful consideration at the hands of the representatives of the people to which they are entitled. In some quarters impatience has been expressed on the part of those who think that the Legislature should immediately take up and pass bills vitally affecting the functions of government without so much as the crossing of a "t" or the dotting of an "i." The majority leader, in one of his forceful speeches from the floor, has well said that the time has gone by when the Legislature of this State will rubber stamp at the eleventh hour proposals such as this. I think conservative people very generally will admit that the State of New York is not suffering from the lack of legislation, and that it is the part of wisdom for the Legislature to insist that it be given an opportunity to examine into all sides and corners of legislation which may affect vitally the people of the State, before giving its approval. There have been several instances of this sort confronting the Legislature of 1909. And during the last month of its session I contend that the Legislature in postponing final action on these measures and providing for further investigation has safeguarded the interests of the people and very probably prevented unwise legislation from being placed upon the statute books.

It has perhaps occurred to many men who have served in legislative bodies that no such body can ever enjoy what might be termed widespread popularity. The National Congress at Washington has seldom, if ever, received genuine popular acclaim, nor has the Legislature of New York. The reason for this to my mind

is exceedingly simple. The Legislature cannot possibly do all the things that are asked of it. If it did the State would be bankrupted and the laws a hotch-potch. Nearly every bill that is introduced in either House has the support of some portion of the people, and in a vast majority of instances that support comes from a minority, usually of small proportions. The failure of the Legislature to approve of the thousands of requests made upon it arouses necessarily the antagonism of innumerable groups of these minorities all over the State, which taken together very probably constitute a majority of all the people who for one reason or another are dissatisfied with the work of the Legislature. This state of affairs has always existed. It exists to-day and it always will exist. And legislators, if they are to observe their oath of office, must make up their minds that they will inevitably incur the enmity and criticism of a large proportion of the people for a large number of unrelated causes. Legislators under these conditions must do their own thinking and under all circumstances must act in accordance with their own convictions as to what is right and best for all the people.

My experience as a member here for five years and as presiding officer of this body for four years has convinced me that the members of this Legislature have striven to perform their duty, and despite criticisms have succeeded.

Just a personal word, gentlemen, to the majority of this House. The Republican majority and members of the party to which I owe allegiance saw fit at the opening of the session this year to intrust to me the honor of this office and to impose upon me its duties and its burdens. I expressed my appreciation of that honor to the majority at that time. Since that election, in which the minority acquiesced, I have been treated with such patience, forbearance and unfailing kindness by the members, not only of the majority but of the minority, that I want you all to know, regardless of your political affiliations, that from the bottom of my heart I am deeply thankful. And were it not for your forbearance and good nature and very cordial friendship, which I am proud to say has been extended to me from day to day throughout this session, the office of Speaker of the Assembly would be well-nigh intolerable. So when I call your attention to that spirit which has often



occurred to me I wish to express to you the depth of my appreciation for your kindness and friendship. To each and every one of you I wish a pleasant and prosperous vacation. And the more of you, in my judgment, who return to this Assembly this year the better for the Assembly of 1910.

Mr. Frisbie: Mr. Speaker, following the usual custom, the minority leader of the House has given out through the usual channel, the press, his views on the work of the Legislature of 1909; and it is not my intention in this presence to advert to anything along that line. I simply desire to say that the minority, assuming no responsibility for legislation enacted in this House, has, at the same time, participated in, assisted and voted for all the good measures which have been passed by this House during this session, many of which were mentioned by our honored Speaker in his address. We, therefore, have to our credit, as a party upon the floor, the support of measures and legislation, clearly in the interest of the great agricultural interests of the State, the great commercial interests and the financial interests, so far as they concern them, and we have assisted in progressing all the measures along the line of constructive statesmanship.

And, Mr. Speaker, although it is quite unusual for Democrats to be regarded as constructive in their statesmanship, the minority of this House, this year, has endeavored to make a record along the line of constructive statesmanship. And I base that claim upon the fact stated a moment ago, that we have assisted the majority in the passage of new laws, reforming and bettering conditions of every kind in the State of New York.

Mr. Speaker, I came to this House at the beginning of the session after an absence of several years, having a personal acquaintance with but few, a very few, of the members of this House. I leave it, I sincerely feel, with many warm friendships on both sides of the House. I may state, Mr. Speaker, that never in my life's history, and I have mingled with large bodies of men at many periods of my life, have the relations been more cordial and more pleasant in every way. I have found that aside from political matters we are animated by the same high purpose of legislation for the good of the people of the State of New York whom we represent. And one of the pleasantest recollections of

my life will be the associations which I have had with the gentlemen of the House of the Assembly of 1909.

I return thanks to the minority of this House for the loyal support which they have given me, as their leader, and without such loyal support my effort here would have been in vain.

I thank the majority for the courtesy they have extended to me. Particularly I thank the leader of the majority for the many kindnesses which he has extended, and which have made my work less laborious and much more pleasant. And the Speaker of this House has extended to the minority leader and his associates throughout the entire session the very highest type of kindness and courtesy; and I take pleasure in reciprocating and acknowledging the same now.

Mr. Speaker, and gentlemen of the Assembly, I part from you with regret. I shall cherish the friendships which I made here through life's long or short period.

Mr. Oliver: Mr. Speaker, it is unusual somewhat that any of the minority should say a word to supplement what our distinguished leader has said. Of course it is the duty of the leader, as in parliamentary matters, to talk entirely for the record. But I have been requested to say something — there are some distinguished officers on your side to whom every member of the minority is indebted for more than one kindness and courtesy. We are indebted to them for instruction and direction — and a request made by a member either to the distinguished leader of the majority or to the equally gifted chairman of the judiciary committee, a gentleman whom we of New York recognize as in a measure representing the Republican party in New York, I have to state on behalf of every one on our side that we are indebted to them and the brawny and brainy leader of the Republican party and his lieutenants, Phillips and Robinson, for many kindnesses that need not have been extended.

For our leader we have not only the greatest respect but the warmest and sincerest friendship, and we hope, such of us as may come back, that the gentleman from Schoharie will again occupy the seat he does now, because he will be universally commended by the members of the minority in all parts of the State.

Mr. Merritt: Mr. Speaker, at this closing moment of the ses-

sion it is not unfitting that we pause before adjourning without date, to think over a little of our relations and what occurred during the session.

I have no suggestions to add to what has been said by yourself, sir, with reference to the work of this Assembly and the Legislature during the session of 1909. From year to year there is less of party feeling and more of co-operation; from year to year there are better conditions and better methods. We are not as good as we would like to be; we are not as bad as some people paint us, or think us. We are a pretty average representation of the merchants and farmers and lawyers and professional men whom we represent.

Bacon says — I have quoted it before and probably will quote it again — that men in high places are thrice servants; servants of the sovereign or state, servants of fame, and servants of business. It is coming to be in this Assembly that the being servants of business is a good deal more serious thing than it used to be, and I want to say to the Assemblymen individually on both sides of this aisle, that if I have failed to consider fairly the request or desire of any member, or if I have failed to take such interest in his affairs as affected his district and his relations to the people as to cause him to think that I may be indifferent, I want to say to him that he should be charitable because the labors of the ways and means committee have notably increased all the years that I have been a member of it and are apt to increase under our system of doing business in this House. I have felt sometimes that I was too cross or too harsh to talk with — but we are talking here together about these things, and I want to extend my regrets if I have in any way, or at any time, failed to appreciate the importance of the request of some of the gentlemen about this circle. I have no particular instance in mind, but I know it might well happen, because I know that it has happened to me in years gone by, and it is owing to the fact that the labor of the chairman of the ways and means committee is most exacting that a little charity was necessary all round.

I hope that every member of the House who desires to will return to his place next year. Of course, that won't happen. Time and chance happen to us all. We are met together for a short time in an arbitrary way, and when we separate we never come together



in exactly the same relation or with exactly the same membership, or under exactly the same conditions.

It says somewhere in the Talmud that if the pitcher fall on the stone the pitcher is broken, and if the stone fall on the pitcher the pitcher is broken. Whatever happens, the pitcher is broken.

I want to thank you, gentlemen, for your remembrance. It will be a great comfort to me in my declining years. As I feel old age creeping over me, I shall be able the better to find my way abroad and be able to escape some slips and pitfalls that I might otherwise get mixed up with.

I notice that my friend across the aisle has been similarly honored, but that the handle of his cane is more like a shepherd's crook. Perhaps his flock needs more guidance than mine, but I congratulate him at any rate that the crook is in his hand and not in his head — the safest place to have a shepherd's crook, for the shepherd with a crook in his head is a man unsafe to guide any flock.

I want to thank the minority for their courtesy. I want to thank the leader of the minority. To you, Mr. Speaker, I extend my highest felicitations, and to all the members of the House.

The Clerk read the journal of the day's proceedings.

On motion of Mr. Merritt, the same was approved.

The hour of 1 o'clock P. M. having arrived, the Speaker declared the House adjourned *sine die*.

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# APPENDIX.

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[2837]

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# APPENDIX.

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(No. 1.)

## SPEAKER'S APPOINTMENTS.

Mr. Speaker announced the following appointments for the session of 1909:

Speaker's clerk.—E. W. Moses.

Assistant doorkeepers.—Stephen C. Daines, W. J. Anderson, Charles Pulver, Stephen Robinson, G. W. Shelland, Henry Bruce, Russell Quonce, William Cresson, M. A. Robinson, Gottfried Senft, John Graber, W. F. Gates.

Janitor.—Charles Warley.

Assistant janitors.—William A. Boyd, Max Lippins, Isodor Bornstein, Henry Bennett.

Postmaster.—J. S. Herrington.

Assistant postmaster.—C. R. Keener.

Committee clerk, ways and means.—L. E. Ellison.

Committee clerk, cities.—Moses Sloan.

Committee clerk, judiciary.—Edward Rutherford.

Committee clerk, codes.—William Lowe.

Committee clerk, railroads.—Edward Chase.

Committee clerk, general laws.—E. P. Liesegang.

Committee clerks.—H. K. Terwilligen, Norman Ostrander, William A. Wright, J. H. Abrams, M. B. Kingsley, H. G. Russell, C. F. Brady, John W. Howe, John Bordwell, I. Wertheim, C. H. Siebert, G. C. Terry, Jr., Augustus Hayes, Charles Chamberlain, Abram Coon, Ray Sanford, W. B. Clark, L. Ford Hager, John A. Saam, A. DeGroot, L. G. Hawn, E. C. Chapman, L. D. Bennett, William D. Sullivan, Samuel Mayer, T. J. Edelman, James Dick, W. R. Stafford, F. R. Smith.

General clerks.—Roscoe C. Derrick, A. W. Webb, W. F. Rogers, C. H. Gardner, A. V. Mood, J. H. Lillibridge, Benjamin Kaiser, A. E. Loucks, Edgar Hathaway, E. A. Ebbetts.

Speaker's stenographer.—C. L. Miller.

Stenographer, ways and means.—J. L. Murray.

Stenographer, cities.—M. M. Scheffler.

Stenographer, judiciary.—Marguerite Norris.

Stenographer, codes.—S. L. Morganstein.

Stenographer, railroads.—George M. LePine.

Stenographer, insurance.—Alice V. Goewey.

Stenographer, general laws.—Fred Robinson.

Stenographer, journal clerk.—A. S. Harris.

Stenographer, index clerk.—Frank Hamer.

Stenographer, minority leader.—J. W. Burnett.

Speaker's messenger.—H. H. Spencer.

Post-office messenger.—George D. Smith.

Messenger, ways and means.—B. H. Winters.

Messenger, cities.—J. J. Jewell.

Messengers.—H. Moore, John R. Rice, E. P. Rowley, Thomas Leahey, J. Day, R. T. Dennis, W. G. Brasher, Nathan Pulver, J. H. Underwood, E. Baker.

(No. 2.)

### CLERK'S APPOINTMENTS.

The Clerk announced the following appointments for the session of 1909:

Assistant clerk.—William V. Ross.

Journal clerk.—William K. Mansfield.

First assistant journal clerk.—Charles H. Wicks.

Second assistant journal clerk.—G. C. Squires.

Chief engrossed bills.—D. W. Evarts.

Chief revision committee.—Charles H. Clark.

Index clerk.—John A. Cole.

First assistant index clerk.—E. L. Robertson.

Second assistant index clerk.—John W. Candee.

Financial clerk.—G. A. Matteson.

Assistant financial clerk.—Frank J. McNeil.

Deputy clerks.—David Clark, R. S. Dalzell, Daniel W. Wilkes, A. M. Seymour, E. E. Kelly, H. A. Hoffman, R. N. Backus, Peter Vanderpane, J. J. Flannagan, J. L. Rosenberg.

Assistant clerk engrossed bills.—H. S. Rowley.

Librarian.—Henry W. Mabie.

Assistant librarian.—J. R. Douglas.

Clerk's stenographer.—H. M. Hoyt.

Superintendent wrapping department.—Arthur L. Smith.

Assistant superintendent wrapping department.—John Ray, G. W. Eddy, Charles Freeman, Byron S. Thornton, John E. Carroll.

Superintendent of documents.—C. W. Van Brocklin.

Assistant superintendent of documents.—A. McIntyre, W. T. Van Loan, C. L. Copeland, August Kimmel, J. R. Gerow, Jr.

Tally clerk.—D. L. Goewey.

Mail and document carrier.—John F. Bauer.

Clerk's messenger.—J. B. McIntosh.

Financial clerk's messenger.—H. M. Prowda.

Messengers.—George Brown, George D. Martin, C. G. Blakeslee, R. Richardson, F. C. Beers, Edward Eichhorn, C. H. Eisen, Thomas Rankin, C. H. Van Arnam, Frank C. Cooper, Vivany Moore (messenger minority leader), M. F. Tooley, Frank Lane, Herman Geneva, William Seelig, E. A. Smith, Joseph Mathias, W. H. Duggan, Herbert Morrison, John Degan, Walter Dolan, William Burns, Charles H. Clark, Samuel Ginsberg.

General stenographers.—James D. Taylor, Irene Minton, Kathryn Mahar, Josephine Cox, Lillian Temple, Edith Schoelles, Mary R. McCarthy, Hans Kronika, M. B. Mullane, Helen Woods.

Chief messenger.—J. H. Millard.

Pages.—W. F. Flynn, George Hutchinson, John Cleary, Thomas Nalty, W. C. Baxter, Charles Minikheim, Adam Dreesback, Arthur Leddy, Jr., Richard Pennyfeather, Henry Kalbfleish, Charles Rieger, Richard Inglis, Jr., Martin Sebast, William Connick, C. T. Hanby, Emmett Ross, W. Ostrander, James Husband, James Heffern, Hymen Jacobs, A. L. Gilman, Fay White, C. W. French, Thomas Williams, George Simmons.

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(No. 3.)

AN ACT to amend the code of civil procedure, relative to the fees of constables and deputy sheriffs.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Section thirty-three hundred and twelve of the code of civil procedure is hereby amended to read as follows:



§ 3312. Compensation of deputy sheriffs and constables attending courts.—A constable or a deputy sheriff is entitled, for attending a sitting of a court of record, pursuant to a notice from the sheriff, to [the following fees: For] *a fee, not exceeding three dollars per day, for each day's actual attendance, in any county in the state, to be fixed by the board of supervisors thereof,* [two dollars, except that in the counties of Albany, Wyoming and Genesee the compensation shall be three dollars,] and mileage as allowed by law to trial jurors in courts of record, and except also in the county of Westchester, where the compensation shall be three dollars per day, and except also that in the counties of Orange, Cayuga, Wayne, Orleans and Ontario, the board of supervisors may allow to such constables and deputy sheriffs for attending a sitting of a court of record pursuant to such notice not exceeding three dollars per day and mileage as aforesaid]. [Those] *The fees thus prescribed* must be paid by the county treasurer, upon the production of the certificate of the clerk, stating the number of days that the constable or deputy sheriff attended. But the provisions of this section shall not be applicable to the counties of Kings, New York and Erie. All other acts or section of acts conflicting herewith are hereby repealed.

§ 2. This act shall take effect immediately.

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(No. 4.)

AN ACT to amend the county law, relating to the salaries and expenses of county judges and surrogates.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Section two hundred and thirty-three of chapter sixteen of the laws of nineteen hundred and nine, entitled "An act in relation to counties, constituting chapter eleven of the consolidated laws," is hereby amended to read as follows:

§ 233. When and how paid.—Such salaries, except in the counties of Kings and Broome, shall be paid quarterly, by the county treasurer of the respective counties. In the county of Broome such salary shall be paid monthly by the county treasurer. When a county judge of one county shall hold a county court in any other county, he shall be paid the sum of five dollars per

day, except in the county of Kings where the compensation shall be twenty dollars per day, for his expenses going to, and from, and holding or presiding at such court, which shall be paid by the county treasurer of such other county, on the presentation of the certificate of the clerk of such court of the number of days.

§ 2. This act shall take effect immediately.

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(No. 5.)

AN ACT providing for the preparation of an official index of the consolidated laws.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. The preparation of an official analytical subject and section index of the consolidated laws reported by the board of statutory consolidation is hereby authorized. The work of preparing said index shall be done under the direction of the director of the state library by a person or persons designated for the purpose by the commissioner of education. The said index shall be printed as a part of the consolidated laws in a separate volume. The sum of five thousand dollars (\$5,000), or so much thereof as may be necessary, is hereby appropriated out of the moneys in the treasury not otherwise appropriated, for the services and disbursements of the person or persons designated to prepare said index. Said payments shall be made by the treasurer on the warrant of the comptroller on the certificate of the commissioner of education.

§ 2. This act shall take effect immediately.

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(No. 6.)

AN ACT to create the office of building commissioner for the city of Utica and to prescribe his powers and duties.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. There shall be appointed by the mayor of the city of Utica one commissioner to be known as the building commissioner

of the city of Utica, who shall hold his office until the first day of January, nineteen hundred and twelve. There shall be appointed thereafter by each succeeding mayor a commissioner who shall hold his office during the term of such mayor.

§ 2. It shall be the duty of the building commissioner to hear all applications for permits to repair or erect any building in said city, to inspect all plans, specifications and descriptions submitted to him; to grant permits, listen to all grievances; hear all reports of his employees, and see that all building laws and ordinances of said city are enforced. He shall also perform such other duties appertaining to his office as the common council of the city of Utica shall prescribe; and he shall receive an annual salary to be fixed by the board of estimate and apportionment of said city.

§ 3. There shall be appointed by the commissioner one or more inspectors who shall either be an architect, master builder, journeyman mason, or carpenter mechanic perfectly conversant with plans and specifications of buildings, and who must have had, immediately prior to their appointment, at least ten years' actual experience as architect, master builder, journeyman carpenter, or mason, and whose duty it shall be to inspect all buildings in progress of erection or repair, and see that all building laws and ordinances of the city are complied with, and to report to the building commissioner all violations of the same. To comply with the directions of the commissioner and perform such other duties as the commissioner shall prescribe. The commissioner may employ such other subordinates as the board of estimate and apportionment may prescribe.

§ 4. This act shall take effect immediately.

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(No. 7.)

AN ACT to amend the general construction law, relative to holidays by designating the twelfth day of October of each year as a holiday to be known as Columbus Day.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Section twenty-four of chapter twenty-seven of the laws of nineteen hundred and nine, entitled "An act relating to construction, constituting chapter twenty-two of the consolidated laws," is hereby amended to read as follows:



§ 24. Holiday; half-holiday.— The term holiday includes the following days in each year: the first day of January, known as New Year's day; the twelfth day of February, known as Lincoln's birthday; the twenty-second day of February, known as Washington's birthday; the thirtieth day of May, known as Memorial day; the fourth day of July, known as Independence day; the first Monday of September, known as Labor day; *the twelfth day of October, known as Columbus day*, and the twenty-fifth day of December, known as Christmas day, and if either of such days is Sunday, the next day thereafter; each general election day and each day appointed by the president of the United States or by the Governor of this state as a day of general thanksgiving, general fasting and prayer, or other general religious observances. The term half-holiday includes the period from noon to midnight of each Saturday which is not a holiday.

§ 2. This act shall take effect immediately.

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(No. 8.)

AN ACT making appropriations for the support of government.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. The several amounts named in this act are hereby appropriated and authorized to be paid from the several funds indicated, to the respective public officers, and for the several purposes specified, for the fiscal year beginning on the first day of October, in the year nineteen hundred nine, namely:

**FROM THE GENERAL FUND.**

**EXECUTIVE DEPARTMENT.**

For the salaries:

- of the governor, ten thousand dollars (\$10,000);
- lieutenant-governor, five thousand dollars (\$5,000);
- secretary to the governor, four thousand dollars (\$4,000);
- counsel to the governor, five thousand dollars (\$5,000);
- and for his actual and necessary traveling expenses in the performance of his official duties, five hundred dollars (\$500), or so much thereof as may be necessary.

military secretary, two thousand dollars (\$2,000);  
 keeper and recorder of legislative bills, to which position the military secretary may be assigned, fifteen hundred dollars (\$1,500);  
 pardon clerk, three thousand dollars (\$3,000);  
 executive stenographer, two thousand five hundred dollars (\$2,500);

of the employees according to grade:

seventh grade, one employee, fifteen hundred dollars (\$1,500);  
 sixth grade, three employees, three thousand six hundred dollars (\$3,600);

and for temporary and other services, one thousand dollars (\$1,000), or so much thereof as may be necessary.

For necessary expenses including furniture, books, binding, blanks, printing, messages, traveling and other incidental expenses, six thousand dollars (\$6,000), or so much thereof as may be necessary.

For postage and transportation of letters, official documents, and other matter sent by express or freight, including boxes or covering for same, one thousand dollars (\$1,000), or so much thereof as may be necessary.

For incidental expenses of the executive mansion, rent of stable and equipage, three thousand dollars (\$3,000), to be paid by the comptroller on the certificate of the governor.

#### NOTARIAL BUREAU.

For the salaries:

of the appointment clerk, twenty-five hundred dollars (\$2,500);

of the employees according to grade:

ninth grade, one employee, two thousand dollars (\$2,000);  
 eighth grade, one employee, one thousand seven hundred dollars (\$1,700);

seventh grade, one employee, fifteen hundred dollars (\$1,500);  
 and for temporary and other services and expenses three thousand dollars (\$3,000), or so much thereof as may be necessary.

#### EXAMINATION OF RACING ASSOCIATIONS.

For salary and expenses of examiner appointed by the governor, pursuant to chapter four hundred fourteen, laws of eighteen hundred ninety-nine, to examine the books of the running associa-

tions, three thousand dollars (\$3,000), and for salaries and expenses of two examiners to examine the books of the trotting associations of the state, four thousand dollars (\$4,000), or so much thereof as may be necessary; the amounts herein appropriated to be paid from the funds collected from said associations.

## JUDICIARY.

### COURT OF APPEALS.

For the salaries:

of the judges of the court of appeals, seventy thousand five hundred dollars (\$70,500); for their necessary expenses, as provided by chapter seven hundred eighteen, laws of eighteen hundred seventy-one, fourteen thousand dollars (\$14,000); for their additional expense allowance as provided by chapter six hundred six, laws of eighteen hundred ninety-eight eleven thousand nine hundred dollars (\$11,900);

of the justices of the supreme court serving as associate judges of the court of appeals, twenty thousand dollars (\$20,000); for their necessary expenses, as provided by chapter seven hundred eighteen, laws of eighteen hundred seventy-one, four thousand dollars (\$4,000); for their additional expense allowance as provided by chapter six hundred six, laws of eighteen hundred ninety-eight, three thousand four hundred dollars (\$3,400);

of a confidential clerk, appointed by the chief judge of the court of appeals, twenty-five hundred dollars (\$2,500);

of the crier, one thousand five hundred dollars (\$1,500);

consultation clerk, three thousand dollars (\$3,000);

stenographer and librarian, two thousand two hundred dollars (\$2,200);

of three attendants, one thousand five hundred dollars each (\$4,500);

one attendant, seven hundred fifty dollars (\$750);

law clerk, two thousand dollars (\$2,000);

attendant designated as assistant law clerk, one thousand seven hundred fifty dollars (\$1,750);

messenger, one thousand dollars (\$1,000).

of clerks of judges of the court of appeals, appointed pursuant to section two hundred two of the code of civil procedure, and for expenses of offices for judges of the court of appeals incurred pursuant to section two hundred three of said code, five thousand five hundred twenty dollars (\$5,520), or so much thereof as may be necessary;



of clerks appointed pursuant to section two hundred two of the code of civil procedure, by the justices of the supreme court assigned to serve as judges of the court of appeals, two thousand forty dollars (\$2,040).

#### CLERK OF THE COURT OF APPEALS.

For the salaries:

of the clerk, five thousand dollars (\$5,000);  
deputy clerk, three thousand dollars (\$3,000);  
remittitur clerk, two thousand five hundred dollars (\$2,500);

of the employees according to grade:

tenth grade, one employee, two thousand four hundred dollars (\$2,400);

ninth grade, one employee, one thousand eight hundred dollars (\$1,800);

seventh grade, one employee, one thousand five hundred dollars (\$1,500).

For furniture, books, binding, blanks, printing and other necessary incidental office expenses, one thousand dollars (\$1,000), or so much thereof as may be necessary.

For postage and transportation of letters, official documents, and other matter sent by express or freight, including boxes or covering for same, two hundred fifty dollars (\$250), or so much thereof as may be necessary.

#### LIBRARIES.

For books, binding and supplies for the fifteen judicial district libraries named in chapter four hundred, laws of eighteen hundred eighty, chapter four hundred forty-four, laws of eighteen hundred eighty-eight, chapter two hundred thirty-one, laws of eighteen hundred ninety-five, chapter thirty-two, laws of nineteen hundred two, chapter two hundred fifty-four, laws of nineteen hundred four, and chapter three hundred four, laws of nineteen hundred eight, six hundred dollars each, nine thousand dollars (\$9,000), or so much thereof as may be necessary;

for the libraries of the judges of the court of appeals, one thousand dollars (\$1,000), or so much thereof as may be necessary;

for books, binding and supplies for the court of appeals library at Syracuse, one thousand one hundred fifty dollars (\$1,150), to be paid upon the certificate of the librarian thereof;

for books, binding and supplies for the library of the appellate division of the supreme court in the first judicial department, one thousand dollars (\$1,000), or so much thereof as may be necessary, to be paid upon vouchers approved by the presiding justice of said court;

for the library of the appellate division of the supreme court in the second judicial department, one thousand dollars (\$1,000), or so much thereof as may be necessary, to be paid upon vouchers approved by the presiding justice of said court;

for the library of the appellate division of the supreme court in the third judicial department, one thousand dollars (\$1,000), or so much thereof as may be necessary, to be paid upon vouchers approved by the presiding justice of said court;

for the library of the appellate division of the supreme court in the fourth judicial department, one thousand five hundred dollars (\$1,500), or so much thereof as may be necessary, to be paid upon vouchers approved by the presiding justice of said court, and for the salary of the librarian, three thousand dollars (\$3,000), which latter amount is to be refunded pursuant to the provisions of chapter two hundred fifty-eight, laws of nineteen hundred;

for the library of the trial terms of the supreme court in the first judicial department, one thousand dollars (\$1,000), or so much thereof as may be necessary;

for the eighth judicial district library at Buffalo, one thousand dollars (\$1,000), or so much thereof as may be necessary.

#### SUPREME COURT.

For the salaries:

of the justices of the supreme court, five hundred seventy thousand dollars (\$570,000), and for the expenses of said justices, other than those in the first judicial district, as provided by chapter five hundred forty-one, laws of eighteen hundred seventy-two, seventy-eight thousand dollars (\$78,000);

for compensation of justices of the supreme court designated to the appellate division of the second department from any district other than the second judicial district, to be refunded to the treasury, pursuant to chapter three hundred nine, laws of eighteen hundred ninety-eight, and chapter five hundred ninety-seven, laws of nineteen hundred one, thirty thousand nine hundred dollars (\$30,900);

for the compensation of the deputy clerk and attendants of the appellate division of the supreme court in the second judicial department, pursuant to chapter ninety-nine, laws of eighteen hundred ninety-six, as amended by chapter two hundred ninety-three, laws of eighteen hundred ninety-seven, and chapter four hundred fifty, laws of nineteen hundred, twelve thousand dollars (\$12,000), to be refunded to the treasury as provided by said laws;

for the compensation of confidential attendants of the appellate division of the supreme court, in the second judicial department, pursuant to chapter five hundred ninety-seven, laws of nineteen hundred two, as amended by chapter three hundred eighty-four, laws of nineteen hundred five, three thousand six hundred dollars (\$3,600), to be refunded to the treasury as provided by said laws;

for the necessary expenses of the several justices assigned to the appellate division of the supreme court, pursuant to chapter three hundred ninety, laws of eighteen hundred ninety-six, and chapter four hundred sixty-eight, laws of nineteen hundred one, twenty-five thousand dollars (\$25,000), or so much thereof as may be necessary;

for the justices of the supreme court residing in the territory formerly composing the second judicial district, not residing in the county of Kings, namely, those residing in the present second and ninth districts outside of said county, for additional compensation, pursuant to chapter seven hundred sixty-five, laws of eighteen hundred sixty-eight, as amended by chapter one hundred twenty-six, laws of eighteen hundred eighty-three, chapter one hundred thirty-one, laws of eighteen hundred ninety-eight, and chapter two hundred ninety-four, laws of nineteen hundred six, ninety-two thousand seven hundred dollars (\$92,700); and for the stenographers residing in the counties composing the present second and ninth judicial districts and appointed under said first named act as amended by chapter one hundred fourteen, laws of eighteen hundred ninety-four, for compensation, twenty-two thousand dollars (\$22,000), to be paid only from moneys which shall have been or shall be paid into the treasury for taxes levied for the purposes of said acts and in pursuance thereof;

for trial justices, who attend a term or part of the supreme court, except in the counties of New York and Kings, outside the county in which they reside, for actual and necessary traveling and other expenses, incurred pursuant to chapter four hundred thirty-one, laws of nineteen hundred, twelve thousand dollars (\$12,000), or so much thereof as may be necessary;



for the stenographers of the supreme court, in the third, fourth, fifth, sixth, seventh and eighth judicial districts, for compensation, pursuant to sections two hundred fifty-eight and two hundred fifty-nine of the code of civil procedure, eighty-four thousand dollars (\$84,000), to be refunded to the treasury pursuant to chapter four hundred twenty-six, laws of eighteen hundred ninety;

for additional stenographers in the third and fourth judicial districts, for compensation and for actual and necessary expenses, eight thousand dollars (\$8,000), to be refunded to the treasury pursuant to chapter two hundred fifty-eight, laws of eighteen hundred ninety-three;

for compensation of confidential clerks to the justices of the supreme court, other than justices of the appellate division, residing in the second judicial district, not including the county of Kings, ten thousand dollars (\$10,000), or so much thereof as may be necessary, to be refunded to the treasury pursuant to chapter eight hundred ninety-two, laws of eighteen hundred ninety-six, and chapter seven hundred forty-seven, laws of nineteen hundred four;

for compensation of confidential clerks to resident trial justices of the supreme court in the fifth judicial district, seven thousand two hundred dollars (\$7,200), or so much thereof as may be necessary, to be refunded to the treasury pursuant to chapter eight hundred ninety-three, laws of eighteen hundred ninety-six, and chapter one hundred forty-five, laws of eighteen hundred ninety-seven;

for compensation of confidential clerks to resident trial justices of the supreme court in the sixth and seventh judicial districts, to be refunded to the treasury, pursuant to chapter three hundred twenty-six, laws of eighteen hundred ninety-eight, ten thousand eight hundred dollars (\$10,800), or so much thereof as may be necessary;

for compensation of confidential clerks to resident trial justices of the supreme court in the eighth judicial district, to be refunded to the treasury, pursuant to chapter one hundred six, laws of eighteen hundred ninety-nine, six thousand dollars (\$6,000), or so much thereof as may be necessary;

for compensation of confidential clerks to resident trial justices of the supreme court in the ninth judicial district eight thousand dollars (\$8,000), or so much thereof as may be necessary, to be

refunded to the treasury pursuant to chapter six hundred ninety-six, laws of nineteen hundred six;

for compensation of confidential clerks to the justices of the supreme court designated to the appellate division of the second department, seventeen thousand five hundred dollars (\$17,500), or so much thereof as may be necessary, to be refunded to the treasury pursuant to chapter two hundred fifty-one, laws of nineteen hundred;

for the compensation of case and consultation clerk of the appellate division of the supreme court in the second judicial department, pursuant to chapter eighty-eight, laws of nineteen hundred seven, two thousand four hundred dollars (\$2,400), to be refunded to the treasury as provided by said law;

for the compensation of the consultation clerk of the appellate division of the fourth department, two thousand one hundred dollars (\$2,100), and of the deputy clerk of said appellate division, one thousand five hundred dollars (\$1,500), and for the deputy clerk of the appellate division of the third department, two thousand dollars (\$2,000), to be refunded to the treasury as provided by section two hundred twenty-one of the code of civil procedure;

for expenses of the appellate division of the supreme court, for compensation of clerks, criers, attendants, and of stenographers and clerks to the justices and for their actual and necessary expenses, fifty thousand dollars (\$50,000), or so much thereof as may be necessary;

for compensation of two confidential clerks appointed by the justices of the appellate division of the supreme court in the second judicial department, seven thousand dollars (\$7,000), or so much thereof as may be necessary, to be refunded to the treasury pursuant to the provisions of chapter five hundred sixty, laws of nineteen hundred seven.

#### STATE REPORTER.

For the salaries:

- of the state reporter, five thousand dollars (\$5,000);
- deputy state reporter, three thousand seven hundred dollars (\$3,700);
- managing clerk, two thousand one hundred dollars (\$2,100);
- law clerk, two thousand dollars (\$2,000).

For rent, furniture, books, stationery, messages and other necessary incidental office expenses, eleven hundred twenty-five dollars (\$1,125).

#### SUPREME COURT REPORTER.

For the salaries:

of the supreme court reporter pursuant to chapter one hundred sixty four, laws of nineteen hundred five, five thousand dollars (\$5,000);

deputy supreme court reporter, two thousand five hundred dollars (\$2,500);

secretary, two thousand dollars (\$2,000);

of the employees according to grade:

eighth grade, one employee, one thousand eight hundred dollars (\$1,800);

seventh grade, one employee, one thousand five hundred dollars (\$1,500);

sixth grade, one employee, one thousand dollars (\$1,000);

fifth grade, one employee, nine hundred dollars (\$900);

fourth grade, one employee, seven hundred twenty dollars (\$720);

second grade, one employee, four hundred fifty dollars (\$450).

For rent, furniture, books, stationery, messages and other necessary incidental office expenses, two thousand dollars (\$2,000), or so much thereof as may be necessary.

#### MISCELLANEOUS REPORTER.

For the salaries:

of the miscellaneous reporter, four thousand five hundred dollars (\$4,500);

of the employees according to grade:

seventh grade, one employee, one thousand five hundred dollars (\$1,500);

sixth grade, two employees, two thousand two hundred dollars (\$2,200).

For rent, cleaning, lighting, heating offices, books, stationery, and other necessary office supplies and procuring copies of opinions, one thousand three hundred dollars (\$1,300), or so much thereof as may be necessary.



## COURT OF CLAIMS.

For the salaries:

of the judges of the court of claims, twenty-four thousand dollars (\$24,000);

clerk, four thousand dollars (\$4,000);

deputy clerk, three thousand dollars (\$3,000);

court stenographer, two thousand five hundred dollars (\$2,500);

of the employees according to grade:

sixth grade, marshal, including his services as messenger,  
one thousand two hundred dollars (\$1,200);

fifth grade, one employee, nine hundred dollars (\$900);

fourth grade, one employee, seven hundred twenty dollars (\$720);

third grade, one employee, six hundred dollars (\$600).

For the actual and necessary traveling expenses of the clerk, deputy clerk, stenographer and marshal in the performance of their official duties elsewhere than in Albany, and for furniture, books, printing, stationery and other necessary incidental office expenses, two thousand seven hundred fifty dollars (\$2,750), or so much thereof as may be necessary.

## LEGISLATURE.

For the clerks of the senate and assembly for clergymen officiating as chaplains, to be paid at the rate of five dollars for each day of attendance; for printing, stationery, supplies, file boards and record books; for preparation, proofreading and comparison of journals, documents and financial reports; for clerical and stenographic services; for preparation and revising legislative manual and clerk's manual; for books and blanks; for care of bills, documents and library; for law books and binding of books and records; for furniture, alteration and repairs of legislative rooms; for expense of receiving reports and printed documents and storing, addressing and forwarding the same; for engrossing resolutions and for other legislative and contingent expenses, to be paid upon the certificate of the clerk of the senate or assembly, respectively, the sum of twenty-five thousand dollars (\$25,000), or so much thereof as may be necessary.

For expenses of legislative committees, including compensation of witnesses; for indexing the bills, journals and documents of

the senate and assembly; for indexing the executive journals of the senate and for preparation of supplementary indices to senate and assembly bills, journals and documents, to be paid upon the certificate of the temporary president of the senate or the speaker of the assembly respectively; for postage, express and transportation of letters, reports, documents and other matter sent by express or freight, including boxes and coverings for the same; for printing and furnishing the legislative manual and clerk's manual; for law and reference books and publications for the senate and assembly libraries, committees and legislature; for legislative indices to senate and assembly bills, journals and documents; for extra clerical service and engrossing; for furniture, alteration and repairs of legislative rooms, and for other contingent expenses of the legislature, to be paid upon the certificate of the clerk of the senate or assembly respectively, fifty thousand dollars (\$50,000), or so much thereof as may be necessary.

For compensation and necessary incidental office expenses during the legislative session of persons appointed under the legislative law to draft, examine and revise bills and furnish session indices and digests, to be paid upon the certificate of the temporary president of the senate and the speaker of the assembly, nine thousand one hundred fifty dollars (\$9,150), or so much thereof as may be necessary.

## OFFICE OF THE SECRETARY OF STATE.

### For the salaries:

of the secretary of state, five thousand dollars (\$5,000);  
 deputy secretary of state, four thousand dollars (\$4,000);  
 chief clerk, three thousand dollars (\$3,000);  
 examiner of corporations, two thousand seven hundred dollars (\$2,700);  
 land clerk, two thousand seven hundred dollars (\$2,700):

### of the employees according to grade:

tenth grade, one employee, two thousand two hundred dollars (\$2,200);  
 ninth grade, two employees, four thousand dollars (\$4,000);  
 seventh grade, four employees, six thousand dollars (\$6,000);  
 sixth grade, nine employees, nine thousand eight hundred dollars (\$9,800);

fifth grade, twelve employees, ten thousand eight hundred dollars (\$10,800);

third grade, one employee, six hundred dollars (\$600), or so much thereof as may be necessary.

For the purpose of complying with the provisions of subdivision six of section thirty-four of the election law, and of section ten of chapter six hundred eighty-nine, laws of nineteen hundred five, ten thousand dollars (\$10,000), or so much thereof as may be necessary.

For the purpose of complying with the provisions of section nineteen, and subdivision one of section thirty-six of the election law, eight thousand six hundred dollars (\$8,600), or so much thereof as may be necessary.

For the personal expenses and disbursements of the secretary of state in the performance of his official duties, five hundred dollars (\$500); for the actual and necessary traveling expenses of his deputy in the performance of his official duties, five hundred dollars (\$500), or so much thereof as may be necessary.

For furniture, books, binding, blanks, messages and other necessary incidental office expenses, five thousand dollars (\$5,000), or so much thereof as may be necessary.

For postage and transportation of letters, official documents, session laws, election laws and blanks, legislative documents, and other matter sent by express or freight, including boxes or covering for same, five thousand dollars (\$5,000), or so much thereof as may be necessary.

## OFFICE OF THE COMPTROLLER.

For the salaries:

of the comptroller, six thousand dollars (\$6,000);  
deputy comptroller, five thousand dollars (\$5,000);  
second deputy comptroller, four thousand five hundred dollars (\$4,500);  
secretary to the comptroller, two thousand seven hundred dollars (\$2,700).

## FINANCE BUREAU.

For the salaries:

of the assistant warrant clerk, three thousand dollars (\$3,000);



voucher clerk, two thousand five hundred dollars (\$2,500);  
 of the employees according to grade:  
 tenth grade, one employee, two thousand three hundred dollars (\$2,300);  
 ninth grade, one employee, two thousand dollars (\$2,000);  
 eighth grade, three employees, five thousand four hundred dollars (\$5,400);  
 seventh grade, one employee, one thousand five hundred dollars (\$1,500);  
 sixth grade, five employees, five thousand eight hundred dollars (\$5,800);  
 fifth grade, two employees, one thousand eight hundred dollars (\$1,800);  
 first grade, one employee, three hundred sixty dollars (\$360).

## LAND BUREAU.

For the salaries:

of the chief clerk, three thousand dollars (\$3,000);  
 of the employees according to grade:  
 ninth grade, two employees, four thousand dollars (\$4,000);  
 eighth grade, four employees, six thousand nine hundred dollars (\$6,900);  
 seventh grade, five employees, seven thousand five hundred dollars (\$7,500);  
 sixth grade, two employees, two thousand two hundred dollars (\$2,200), or so much thereof as may be necessary.

For protecting and perfecting the state's title to lands, one thousand dollars (\$1,000), or so much thereof as may be necessary.

## TRANSFER TAX BUREAU.

For the salaries:

of the chief clerk, three thousand dollars (\$3,000);  
 of the employees according to grade:  
 tenth grade, one employee, two thousand four hundred dollars (\$2,400);  
 ninth grade, one employee, two thousand one hundred dollars (\$2,100);  
 eighth grade, one employee, one thousand eight hundred dollars (\$1,800);

seventh grade, five employees, seven thousand one hundred dollars (\$7,100);  
 sixth grade, three employees, three thousand four hundred dollars (\$3,400);  
 fifth grade, three employees, two thousand seven hundred dollars (\$2,700);

#### CORPORATION TAX BUREAU.

For the salaries:

of the chief clerk, three thousand five hundred dollars (\$3,500);  
 of the employees according to grade:  
 ninth grade, one employee, two thousand dollars (\$2,000);  
 eighth grade, three employees, five thousand two hundred dollars (\$5,200);  
 seventh grade, four employees, five thousand four hundred dollars (\$5,400);  
 fifth grade, one employee, nine hundred dollars (\$900); or  
 so much thereof as may be necessary.

#### NEW YORK CITY OFFICE.

For the salaries:

of the commissioner, three thousand dollars (\$3,000);  
 of the employees according to grade:  
 seventh grade, two employees, three thousand dollars (\$3,000);  
 sixth grade, two employees, two thousand four hundred dollars (\$2,400);  
 third grade, one employee, six hundred dollars (\$600).

#### MORTGAGE TAX, MUNICIPAL ACCOUNTS, AND COURT AND TRUST FUND EXAMINATIONS.

For the salaries:

of the chief accountant, two thousand five hundred dollars (\$2,500);  
 of the employees according to grade:  
 seventh grade, two employees, three thousand dollars (\$3,000);  
 sixth grade, one employee, one thousand two hundred dollars (\$1,200).

For the services of examiners in the examination of the accounts of the several counties, cities of the second and third classes and incorporated villages of the state, pursuant to chapter

seven hundred five, laws of nineteen hundred five, as amended by chapter two hundred fifteen, laws of nineteen hundred seven, twenty-six thousand dollars (\$26,000);

for the actual and necessary traveling expenses of examiners in the performance of their official duties, ten thousand dollars (\$10,000);

for the services of examiners in the examination of the accounts of the several county treasurers of the state, as required by chapter six hundred fifty-one, laws of eighteen hundred ninety-two, twenty thousand dollars (\$20,000);

for the actual and necessary traveling expenses of examiners in the performance of their official duties, seven thousand dollars (\$7,000), or so much thereof as may be necessary;

for printing and incidental expenses of the bureau, nine hundred dollars (\$900).

#### STOCK TRANSFER TAX BUREAU.

For the salaries:

of the chief clerk, two thousand five hundred dollars (\$2,500);

fifth grade, one employee, nine hundred dollars (\$900).

For services of examiners and detectives, twenty-two thousand dollars (\$22,000), and for their actual and necessary traveling expenses in the performance of their official duties, for dies, plates and printing necessary for the manufacture of stamps and for stationery, books, blanks and other necessary incidental expenses, fifteen thousand dollars (\$15,000), or so much thereof as may be necessary.

#### MISCELLANEOUS.

For the personal expenses and disbursements of the comptroller in the performance of his official duties, one thousand dollars (\$1,000); for the actual and necessary traveling expenses of the deputy comptroller, one thousand dollars (\$1,000), and of the second deputy comptroller, two hundred fifty dollars (\$250), or so much thereof as may be necessary in the performance of their official duties.

For messenger and other service:

sixth grade, one employee, one thousand dollars (\$1,000);

fifth grade, one employee, nine hundred dollars (\$900);

second grade, one employee, three hundred sixty-five dollars (\$365).



For temporary clerical service, two thousand dollars (\$2,000), or so much thereof as may be necessary.

For furniture, books, binding, blanks, printing, messages and other necessary incidental office expenses, including rent of New York city office, sixteen thousand dollars (\$16,000), or so much thereof as may be necessary.

For postage and transportation of letters, official documents, and other matters sent by express or freight, including boxes or covering for same, eight thousand dollars (\$8,000), or so much thereof as may be necessary.

#### STATIONERY.

For stationery for the governor, secretary of state, comptroller, treasurer, attorney-general, state engineer and surveyor, commissioner of education, adjutant-general, clerk of the court of appeals, state board of charities, state department of health, civil service commission, superintendent of public buildings, fiscal supervisor of state charities, and department of labor, fourteen thousand dollars (\$14,000), or so much thereof as may be necessary.

#### BUREAU OF CANAL AFFAIRS.

##### PAYABLE FROM CANAL FUND.

For the salaries:

of the chief clerk, three thousand dollars (\$3,000);

of the employees according to grade:

eighth grade, two employees, three thousand five hundred dollars (\$3,500\*);

sixth grade, one employee, one thousand two hundred dollars (\$1,200), or so much thereof as may be necessary;

for night watchman, three hundred sixty-five dollars (\$365);

for salary of transfer agent, one thousand two hundred dollars (\$1,200);

for printing, advertising and other necessary incidental office expenses of the bureau, one thousand eight hundred dollars (\$1,800), or so much thereof as may be necessary.

## PAYABLE FROM HIGHWAY FUND.

For the salaries:

of the chief clerk, two thousand four hundred dollars (\$2,400);  
of the employees according to grade:  
eighth grade, one employee, one thousand eight hundred dollars (\$1,800);  
fifth grade, one employee, nine hundred dollars (\$900);  
for the Bank of Manhattan Company, New York, for keeping transfer office and for stationery for same, two thousand dollars (\$2,000), or so much thereof as may be necessary.

## OFFICE OF THE TREASURER.

For the salaries:

of the treasurer, five thousand dollars (\$5,000);  
deputy treasurer, four thousand dollars (\$4,000);  
cashier, two thousand seven hundred dollars (\$2,700);  
of the employees according to grade:  
tenth grade, two employees, four thousand eight hundred dollars (\$4,800);  
eighth grade, one employee, one thousand eight hundred dollars (\$1,800);  
seventh grade, three employees, four thousand three hundred dollars (\$4,300);  
sixth grade, one employee, one thousand dollars (\$1,000);  
fifth grade, one employee, nine hundred dollars (\$900);  
fourth grade, one employee, seven hundred twenty dollars (\$720), or so much thereof as may be necessary.

For the personal expenses and disbursements of the treasurer in the performance of his official duties, five hundred dollars (\$500); for the actual and necessary traveling expenses of the deputy treasurer in the performance of his official duties, five hundred dollars (\$500), or so much thereof as may be necessary.

For postage and transportation of letters, official documents and other matter sent by express or freight, including boxes or covering for same, nine hundred dollars (\$900), or so much thereof as may be necessary.

For furniture, books, binding, blanks, printing and other necessary incidental office expenses of the treasurer, two thousand dollars (\$2,000), or so much thereof as may be necessary.

## OFFICE OF THE ATTORNEY-GENERAL.

For the salaries:

- of the attorney-general, five thousand dollars (\$5,000);
- first and second deputies, four thousand dollars each (\$8,000);
- four deputies, four thousand dollars each, sixteen thousand dollars (\$16,000);
- one deputy, three thousand dollars (\$3,000);
- one assistant to the deputy, three thousand five hundred dollars (\$3,500);
- one assistant deputy, two thousand four hundred dollars (\$2,400);
- two deputies, five thousand dollars (\$5,000);
- land and tax clerk, three thousand dollars (\$3,000);
- of the employees according to grade:
- ninth grade, one employee, two thousand dollars (\$2,000);
- eighth grade, one employee, one thousand eight hundred dollars (\$1,800);
- seventh grade, three employees, four thousand five hundred dollars (\$4,500);
- sixth grade, three employees, three thousand six hundred dollars (\$3,600);
- third grade, one employee, six hundred dollars (\$600), or so much thereof as may be necessary.

For the personal expenses and disbursements of the attorney-general in the performance of his official duties, one thousand six hundred dollars (\$1,600), and of the first and second deputies of the attorney-general in the performance of their official duties, one thousand dollars each (\$2,000), pursuant to sections fifty and fifty-one of the executive law.

For furniture, books, binding, blanks, printing, messages, postage, and the transportation of letters, documents and other matter sent by express or freight, including boxes or covering for the same and other necessary incidental office expenses, eight thousand dollars (\$8,000), or so much thereof as may be necessary.

## NEW YORK CITY BUREAU.

For the salaries:

- of the deputy, four thousand dollars (\$4,000);
- two deputies, five thousand two hundred dollars (\$5,200);



of the employees according to grade:

seventh grade, one employee, one thousand five hundred dollars (\$1,500);

third grade, three employees, one thousand eight hundred dollars (\$1,800), or so much thereof as may be necessary.

For the compensation of special counsel, at not to exceed ten dollars per day, each to be designated on the written order of the attorney-general or the New York city deputy of the attorney-general, for office rent, furniture, books, binding, blanks, postage, messages and other necessary incidental office expenses, six thousand five hundred dollars (\$6,500), or so much thereof as may be necessary.

Said New York city bureau shall keep a docket, in which shall be entered a record of all cases and proceedings pending, of a civil or criminal nature, in which the people of the state of New York, or any officer or department of the state, shall be a party, represented by the said New York city deputy or his assistant or special counsel, and shall make a report daily of his proceedings in all such cases and proceedings to the attorney-general. The said New York city deputy shall have, under the direction of the attorney-general, immediate charge of all matters referred to in section fifty-seven of the executive law, the agricultural law, and all matters in which the attorney-general represents the state, arising or existing within the limits of New York city, and all fees, costs and fines collected by the New York city deputy or by his assistants, shall, on the day of the receipt thereof, be transmitted to the attorney-general, who shall deposit the same with the treasurer of the state of New York.

#### OFFICE OF THE STATE ENGINEER AND SURVEYOR.

For the salaries:

of the state engineer and surveyor, five thousand dollars (\$5,000);

deputy state engineer and surveyor, five thousand dollars (\$5,000);

chief clerk, three thousand dollars (\$3,000);

of the employees according to grade:

ninth grade, one employee, two thousand dollars (\$2,000);

eighth grade, one employee, one thousand eight hundred dollars (\$1,800);

sixth grade, four employees, four thousand one hundred dollars (\$4,100);

third grade, two employees, one thousand one hundred forty dollars (\$1,140), or so much thereof as may be necessary.

For furniture, books, binding, blanks, printing and other necessary incidental office expenses, three thousand dollars (\$3,000) or so much thereof as may be necessary.

For postage and transportation of letters, official documents and other matter sent by express or freight, including boxes or covering for same, two thousand dollars (\$2,000), or so much thereof as may be necessary.

For the traveling expenses of the state engineer and surveyor, two thousand dollars (\$2,000), payable quarterly in full for all such expenses; for the traveling expenses of the deputy state engineer and surveyor, one thousand dollars (\$1,000), or so much thereof as may be necessary.

#### PAYABLE FROM THE CANAL FUND.

For salaries and compensation of the engineers employed upon the ordinary repairs of canals, thirty thousand dollars (\$30,000), or so much thereof as may be necessary.

For the personal expenses and disbursements of the state engineer and surveyor in the performance of his official duties, two thousand dollars (\$2,000); for the actual and necessary traveling expenses of the deputy state engineer and surveyor in the performance of his official duties, one thousand dollars (\$1,000), or so much thereof as may be necessary.

#### DEPARTMENT OF AGRICULTURE.

For the salaries:

of the commissioner of agriculture, four thousand dollars (\$4,000);

one assistant commissioner, three thousand five hundred dollars (\$3,500)

chief chemist, three thousand dollars (\$3,000);

assistant chemist, two thousand dollars (\$2,000);

chemist, bacteriologist, physiologists and other scientific employees, five thousand dollars (\$5,000), or so much thereof as may be necessary; which amount is hereby reappropriated from the unexpended balance of appropriation made by chapter six hundred eighty-three, laws of nineteen hundred six;

veterinarians, three thousand dollars (\$3,000), or so much thereof as may be necessary;

confidential agent, two thousand dollars (\$2,000);

of the employees according to grade:

eighth grade, one employee, two thousand dollars (\$2,000);

seventh grade, nine assistant commissioners, thirteen thousand five hundred dollars (\$13,500);

six cheese instructors, nine thousand dollars (\$9,000);

four butter instructors, six thousand dollars (\$6,000);

chief of the bureau of agricultural statistics,  
one thousand five hundred dollars (\$1,500);  
one employee, one thousand five hundred dollars (\$1,500);

sixth grade, thirty-seven special agents, forty-three thousand six hundred dollars (\$43,600);

three employees, three thousand two hundred dollars (\$3,200);

fifth grade, nine agents, seven thousand five hundred dollars (\$7,500);

two employees, one thousand eight hundred dollars (\$1,800);

fourth grade, two employees of the bureau of agricultural statistics, one thousand four hundred forty dollars (\$1,440);

first grade, one employee, three hundred sixty dollars (\$360),  
or so much thereof as may be necessary.

For maintenance of farmers' institutes held under the auspices of the commissioner of agriculture, to be paid upon the order of said commissioner, and certified in sums as needed, and for which vouchers for expenditures duly audited and verified by him shall be rendered, twenty thousand dollars (\$20,000), or so much thereof as may be necessary.



For the actual and necessary traveling expenses of the assistant commissioners and employees except the assistant commissioner located at Albany, in the performance of their official duties, and for the actual and necessary incidental expenses of the department, sixty thousand dollars (\$60,000), or so much thereof as may be necessary.

For the commissioner of agriculture, two thousand dollars (\$2,000), or so much thereof as may be necessary, for the actual and necessary traveling expenses of himself and of the assistant commissioner located at Albany in the discharge of their official duties.

#### NURSERY INSPECTION.

For commissioner of agriculture for the purpose of investigation and extermination of San José scale and other dangerously infectious or contagious insect pest or pests, twenty five thousand dollars (\$25,000), or so much thereof as may be necessary.

#### BUREAU OF INFORMATION AND STATISTICS.

For the actual and necessary incidental expenses as provided by article fourteen of the agricultural law, seven thousand five hundred dollars (\$7,500), or so much thereof as may be necessary.

#### AGRICULTURAL EXPERIMENT STATION AT GENEVA.

To the commissioner of agriculture, for the New York state agricultural experiment station, for enforcing the provisions of law in relation to commercial fertilizers, pursuant to chapter four hundred thirty-seven, laws of eighteen hundred ninety, and chapter nine hundred fifty-five, laws of eighteen hundred ninety-six, and chapter six hundred eighty-seven, laws of eighteen hundred ninety-nine, and for the expense of bulletins as provided therein, and any acts amendatory thereof, ten thousand dollars (\$10,000), or so much thereof as may be necessary, to be paid from license fees received by the state treasurer on fertilizers.

For the expense of enforcing the provisions of the law in relation to concentrated feeding stuffs, as shall be authorized by the board of control, pursuant to chapter five hundred ten, laws of eighteen hundred ninety-nine and the acts amendatory thereof, to be paid from license fees received by the state treasurer on con-

centrated feeding stuffs, three thousand five hundred dollars (\$3,500), or so much thereof as may be necessary.

To the board of control for the agricultural experiment station at Geneva:

for the salaries of the scientific staff and clerical force, thirty-one thousand dollars (\$31,000), or so much thereof as may be necessary;

for labor, including engineers, janitors, laboratory helpers, gardeners, herdsman, teamsters, poultrymen, watchmen and other necessary labor, thirteen thousand dollars (\$13,000), or so much thereof as may be necessary;

for necessary expenses in conducting researches in plant nutrition, diseases of plants, injurious insects, bacteriology, animal nutrition, dairy practice and poultry keeping, twenty thousand dollars (\$20,000), or so much thereof as may be necessary;

for general expenses, including heat, light, water, equipment of scientific apparatus, and farm implements and machinery and general repairs, four thousand dollars (\$4,000), or so much thereof as may be necessary;

for horticultural instruction, and for the purpose of conducting horticultural investigations and experiments, and for disseminating the information so obtained, as provided for in and pursuant to section eighty-five of the agricultural law, eight thousand dollars (\$8,000), or so much thereof as may be necessary.

#### ALFRED UNIVERSITY.

For the maintenance of the State School of Clay Workings and Ceramics at Alfred University, as provided by chapter three hundred eighty-three, laws of nineteen hundred, seven thousand five hundred dollars (\$7,500), or so much thereof as may be necessary.

#### CORNELL UNIVERSITY.

For payment to Cornell University, being the interest at five per centum on the proceeds of the college land scrip fund pursuant to chapter seventy-eight, laws of eighteen hundred ninety-five, thirty-four thousand four hundred twenty-eight dollars and eighty cents (\$34,428.80).

For the State Veterinary College at Cornell University for maintenance, equipment and necessary material to conduct the

same, thirty-five thousand dollars (\$35,000), payable to the treasurer of Cornell University on the warrant of the comptroller.

For the State College of Agriculture at Cornell University for the promotion of agricultural knowledge throughout the state as provided by chapter four hundred thirty, laws of eighteen hundred ninety-nine, and for the maintenance, equipment and necessary material to conduct the college of agriculture, one hundred seventy-five thousand dollars (\$175,000), payable to the treasurer of Cornell University on the warrant of the comptroller, pursuant to chapter two hundred eighteen, laws of nineteen hundred six.

#### SAINT LAWRENCE UNIVERSITY.

For the maintenance of the New York School of Agriculture at Saint Lawrence University, as provided by chapter six hundred eighty-two of the laws of nineteen hundred six, twenty-five thousand dollars (\$25,000), or so much thereof as may be necessary.

#### OFFICE OF STATE ARCHITECT.

For the salaries:

of the State architect, seven thousand five hundred dollars (\$7,500);

deputy state architect, five thousand dollars (\$5,000);

private secretary, two thousand dollars (\$2,000);

chief draftsman, three thousand dollars (\$3,000);

engineer-in-chief, two thousand seven hundred fifty dollars (\$2,750);

electrical engineer, two thousand four hundred dollars (\$2,400);

structural engineer, two thousand dollars (\$2,000);

heating engineer, two thousand dollars (\$2,000);

sanitary engineer, two thousand dollars (\$2,000);

draftsmen and tracers, thirty thousand dollars (\$30,000), or so much thereof as may be necessary;

of the employees according to grade:

eighth grade, one employee, one thousand six hundred dollars (\$1,600);

seventh grade, two employees, two thousand six hundred dollars (\$2,600);

sixth grade, four employees, four thousand dollars (\$4,000);



second grade, one employee, four hundred eighty dollars (\$480);

first grade, one employee three hundred sixty dollars (\$360), or so much thereof as may be necessary;

of building inspectors, eighteen thousand dollars (\$18,000), or so much thereof as may be necessary;

engineering inspectors, four thousand two hundred fifty dollars (\$4,250), or so much thereof as may be necessary.

For office supplies and expenses, five thousand dollars (\$5,000), or so much thereof as may be necessary.

For actual and necessary traveling expenses of the state architect, deputy state architect, architectural and engineering inspectors, draftsmen and employees, in the performance of their official duties, six thousand dollars (\$6,000), or so much thereof as may be necessary.

#### BANKING DEPARTMENT.

For the salaries:

of the superintendent, seven thousand dollars (\$7,000), and for his actual and necessary traveling expenses in the performance of his official duties, five hundred dollars (\$500), or so much thereof as may be necessary;

first deputy superintendent, five thousand dollars (\$5,000), and for his actual and necessary traveling expenses in the performance of his official duties, two hundred dollars (\$200), or so much thereof as may be necessary;

second deputy superintendent in New York city, four thousand five hundred dollars (\$4,500);

third deputy superintendent, four thousand dollars (\$4,000);

confidential clerk and private secretary, three thousand five hundred dollars (\$3,500);

of the employees according to grade:

sixth grade, eight employees, eight thousand eight hundred dollars (\$8,800);

fifth grade, one employee, nine hundred dollars (\$900);

second grade, night watchman, four hundred twenty dollars (\$420).

For rent of branch office in the city of New York, two thousand dollars (\$2,000).

For furniture, books, binding, blanks, printing and other incidental office expenses, seven thousand dollars (\$7,000), and in addition thereto, three thousand three hundred ninety-four dollars (re. \$3,394), being a portion of the unexpended appropriations for salaries and for the expenses of the superintendent made by chapter six hundred eighty-three, laws of nineteen hundred six.

For a contingent fund to be used for the expenses of appraising property, and other contingent expenses in connection with the administration of the banking department, two thousand dollars (\$2,000).

For the payment of the examiners for the examination of corporations and individual bankers pursuant to the banking law, one thousand dollars (\$1,000), or so much thereof as may be necessary.

The amounts required for the aforesaid salaries, clerk hire, payment of examiners, and other expenses above mentioned, shall be refunded to the treasury from such portion of the interest earned by the moneys deposited with the superintendent of banks by the receivers of insolvent savings banks and the trustees of solvent savings banks, which closed voluntarily, as the superintendent of banks shall deem reasonable, and the remainder from the institutions subject to the supervision of the superintendent of banks, and required by law to make report to the banking department through an assessment of fifteen dollars (\$15) upon each institution, and upon each branch of an institution, without regard to the volume of assets, and by the apportionment of the residue pro rata according to the resources of each institution the reported aggregate assets of which amount to five thousand dollars (\$5,000) or more.

For the payment of the examiners for the examination of corporations and individual bankers, pursuant to the banking law, one hundred thousand dollars (\$100,000), or so much thereof as may be necessary.

The amounts required for the aforesaid salaries, clerk hire, payment of examiners, and other expenses above mentioned, shall be refunded to the treasury from such portion of the interest earned by the moneys deposited with the superintendent of banks by the receivers of insolvent savings banks and the trustees of solvent savings banks which closed voluntarily as the superintendent of banks shall deem reasonable; and the remainder by the institutions

subject to the supervision of the superintendent of banks, and required by law to make report to the banking department, through an assessment of fifteen dollars (\$15) upon each institution and upon each branch of an institution, without regard to the volume of assets, and by the apportionment of the residue pro rata according to the resources of each institution the reported aggregate assets of which amount to fifty thousand dollars (\$50,000) or more.

### STATE BOARD OF CHARITIES.

For the salary of the secretary, three thousand five hundred dollars (\$3,500).

For compensation of twelve commissioners, as provided by chapter five hundred forty-six, laws of eighteen hundred ninety-six, two thousand dollars (\$2,000), or so much thereof as may be necessary.

For the salaries:

of the superintendent of inspection, two thousand five hundred dollars (\$2,500);

of the employees according to grade:

eighth grade, one employee, one thousand eight hundred dollars (\$1,800);

sixth grade, three employees, three thousand six hundred dollars (\$3,600);

fourth grade, five employees, three thousand six hundred dollars (\$3,600), or so much thereof as may be necessary.

For temporary help, five hundred dollars (\$500), or so much thereof as may be necessary.

For the actual and necessary expenses of the commissioners and secretary in the performance of their official duties, two thousand five hundred dollars (\$2,500), or so much thereof as may be necessary.

For the actual and necessary traveling expenses of the employees of the department in the performance of their official duties, one thousand dollars (\$1,000), or so much thereof as may be necessary.

For furniture, rent, books, blanks, printing and other necessary and incidental office expenses, six thousand five hundred dollars (\$6,500), or so much thereof as may be necessary.

For postage, and transportation of letters, official documents and other matter sent by express or freight, including boxes or covering for same, one thousand five hundred dollars (\$1,500), or so much thereof as may be necessary.



## NEW YORK OFFICE.

For the salaries:

- of the superintendent, one thousand five hundred dollars (\$1,500);
- of the employees according to grade:
- seventh grade, one employee, one thousand four hundred dollars (\$1,400);
- sixth grade, one employee, one thousand two hundred dollars (\$1,200);
- fifth grade, two employees, one thousand eight hundred dollars (\$1,800);
- fourth grade, one employee, seven hundred twenty dollars (\$720), or so much thereof as may be necessary.

## ROCHESTER OFFICE.

- of the employees according to grade:
- sixth grade, one employee, one thousand two hundred dollars (\$1,200);
- third grade, one employee, six hundred dollars (\$600).

## STATE AND ALIEN POOR.

- of the superintendent, three thousand dollars (\$3,000);
- deputy superintendent in New York city, one thousand five hundred dollars (\$1,500);
- of the employees according to grade:
- ninth grade, one employee, two thousand dollars (\$2,000);
- seventh grade, one employee, one thousand five hundred dollars (\$1,500);
- sixth grade, four employees, four thousand eight hundred dollars (\$4,800);
- fifth grade, one employee, nine hundred dollars (\$900);
- fourth grade, one employee, seven hundred twenty dollars (\$720);
- third grade, one employee, six hundred dollars (\$600), or so much thereof as may be necessary.

For the actual and necessary traveling expenses of superintendent and inspectors in the performance of their official duties, three thousand seven hundred fifty dollars (\$3,750), or so much thereof as may be necessary.

For furniture, books, printing, messages and other necessary incidental office expenses, seven hundred fifty dollars (\$750), or so much thereof as may be necessary.

For maintenance, transportation and removal of state, non-resident and alien poor, twenty thousand dollars (\$20,000), or so much thereof as may be necessary.

It shall be the duty of the board in its annual report to the legislature to give a complete itemized statement of the expenditures for state paupers during the preceding fiscal year.

### CIVIL SERVICE COMMISSION.

For salaries:

of the civil service commissioners, nine thousand dollars (\$9,000).

For the actual and necessary expenses of the commissioners in the performance of their official duty: of the president, seven hundred dollars, and of the other commissioners, four hundred dollars each (\$1,500), or so much thereof as may be necessary.

### ADMINISTRATION DIVISION.

For salaries:

of the secretary, three thousand six hundred dollars (\$3,600);

of the employees according to grade:

eighth grade, one employee, one thousand seven hundred dollars (\$1,700);

sixth grade, one employee, one thousand two hundred dollars (\$1,200);

fifth grade, one employee, nine hundred dollars (\$900);

third grade, one employee, six hundred dollars (\$600);

second grade, one employee, four hundred eighty dollars (\$480).

For the actual and necessary traveling expenses of the secretary, in the performance of his official duty, one hundred fifty dollars (\$150), or so much thereof as may be necessary.

For furniture, books, printing, blanks, messages and other necessary incidental office expenses and for expenses incurred in the inspection or investigation of the administration of the law and rules, two thousand five hundred dollars (\$2,500), or so much thereof as may be necessary.

For postage and transportation of letters, official documents and other matter sent by express or freight, including boxes or cover-

ing for same, two thousand dollars (\$2,000), or so much thereof as may be necessary.

#### EXAMINATIONS DIVISION.

For salaries:

of the chief examiner, three thousand six hundred dollars (\$3,600);

of the employees according to grade:

ninth grade, one employee, two thousand dollars (\$2,000);

seventh grade, one employee, one thousand five hundred dollars (\$1,500);

sixth grade, three employees, three thousand four hundred dollars (\$3,400);

fifth grade, two employees, one thousand eight hundred dollars (\$1,800);

third grade, one employee, six hundred dollars (\$600);

first grade, one employee, three hundred sixty dollars (\$360), or so much thereof as may be necessary.

For the actual and necessary traveling expenses of the chief examiner, examiners and stenographer in the performance of their official duties, five hundred dollars (\$500), or so much thereof as may be necessary.

For the expenses of examinations, and compensation of temporary local and expert examiners to be appointed by the commission, ten thousand dollars (\$10,000), or so much thereof as may be necessary.

#### DEPARTMENT OF EDUCATION.

##### COMMISSIONER'S OFFICE.

For the salaries:

of the commissioner of education, seven thousand five hundred dollars (\$7,500), and for his traveling and other expenses, one thousand five hundred dollars (\$1,500) pursuant to chapter forty, laws of nineteen hundred four.

first assistant commissioner, five thousand dollars (\$5,000);

second assistant commissioner, five thousand dollars (\$5,000);

third assistant commissioner, five thousand dollars (\$5,000);



assistant in elementary education, two thousand seven hundred dollars (\$2,700);  
of the employees according to grade:  
eighth grade, one employee, one thousand seven hundred fifty dollars, (\$1,750);  
sixth grade, five employees, five thousand six hundred dollars (\$5,600);  
fourth grade, three employees, two thousand one hundred sixty dollars (\$2,160), or so much thereof as may be necessary.

## ADMINISTRATION DIVISION.

chief, three thousand dollars (\$3,000);  
cashier, two thousand five hundred dollars (\$2,500);  
of the employees according to grade:  
seventh grade, one employee, one thousand five hundred dollars (\$1,500);  
sixth grade, four employees, four thousand four hundred dollars (\$4,400);  
fifth grade, three employees, two thousand seven hundred dollars (\$2,700);  
fourth grade, one employee, seven hundred twenty dollars (\$720);  
third grade, four employees, two thousand four hundred dollars (\$2,400);  
second grade, four employees, one thousand nine hundred twenty dollars (\$1,920), or so much thereof as may be necessary.

## COMPULSORY ATTENDANCE DIVISION.

chief, three thousand dollars (\$3,000);  
of the employees according to grade:  
sixth grade, one employee, one thousand dollars (\$1,000);  
fifth grade, one employee, nine hundred dollars (\$900);  
second grade, one employee, four hundred eighty dollars (\$480).

## EXAMINATIONS DIVISION.

chief, four thousand dollars (\$4,000);  
assistant in charge of teachers' examinations, three thousand dollars (\$3,000);

assistant in charge of foreign credentials, two thousand seven hundred dollars (\$2,700);  
of the employees according to grade:  
tenth grade, one employee, two thousand four hundred dollars (\$2,400);  
eighth grade, three employees, five thousand four hundred dollars (\$5,400);  
seventh grade, one employee, one thousand five hundred dollars (\$1,500);  
sixth grade, thirteen employees, fourteen thousand eight hundred dollars (\$14,800);  
fifth grade, twenty employees, eighteen thousand dollars (\$18,000);  
fourth grade, ten employees, seven thousand two hundred dollars (\$7,200);  
third grade, twelve employees, seven thousand two hundred dollars (\$7,200);  
second grade, three employees, one thousand four hundred forty dollars (\$1,440);  
first grade, one employee, three hundred sixty dollars (\$360), or so much thereof as may be necessary.

#### INSPECTIONS DIVISION.

chief, three thousand five hundred dollars (\$3,500);  
one inspector, three thousand dollars (\$3,000);  
nine inspectors, twenty-two thousand five hundred dollars (\$22,500);  
of the employees according to grade:  
tenth grade, one employee, two thousand four hundred dollars (\$2,400);  
ninth grade, three employees, six thousand dollars (\$6,000);  
sixth grade, two employees, two thousand two hundred dollars (\$2,200);  
fifth grade, one employee, nine hundred dollars (\$900), or so much thereof as may be necessary.

#### LAW DIVISION.

chief, three thousand five hundred dollars (\$3,500);  
of the employees according to grade:  
seventh grade, one employee, one thousand five hundred dollars (\$1,500).

## DIVISION OF SCHOOL LIBRARIES.

chief, two thousand five hundred dollars (\$2,500);  
 of the employees according to grade:  
 tenth grade, one employee, two thousand four hundred dollars (\$2,400);  
 fifth grade, one employee, nine hundred dollars (\$900).

## STATISTICAL DIVISION.

chief, three thousand dollars (\$3,000);  
 of the employees according to grade:  
 sixth grade, two employees, two thousand four hundred dollars (\$2,400);  
 fifth grade, one employee, nine hundred dollars (\$900);  
 third grade, two employees, one thousand two hundred dollars (\$1,200), or so much thereof as may be necessary.

## DIVISION OF TRADE SCHOOLS.

chief, two thousand four hundred dollars (\$2,400);  
 of the employees according to grade:  
 fourth grade, one employee, seven hundred twenty dollars (\$720).

## DIVISION OF VISUAL INSTRUCTION.

chief, three thousand dollars (\$3,000);  
 of the employees according to grade:  
 ninth grade, one employee, two thousand dollars (\$2,000);  
 sixth grade, one employee, one thousand two hundred dollars (\$1,200);  
 fifth grade, one employee, nine hundred dollars (\$900);  
 third grade, three employees, one thousand eight hundred dollars (\$1,800);  
 second grade, one employee, four hundred eighty dollars (\$480), or so much thereof as may be necessary.

For the purchase, preparation and distribution of apparatus and material used in administering the system of visual instruction under rules and regulations prescribed by the commissioner



of education, ten thousand dollars (\$10,000), or so much thereof as may be necessary.

#### THE STATE LIBRARY.

For salaries:

director, five thousand dollars (\$5,000);  
 law librarian, two thousand five hundred dollars (\$2,500);  
 of the employees according to grade:  
 tenth grade two employees, four thousand eight hundred dollars (\$4,800);  
 ninth grade, one employee, two thousand one hundred dollars (\$2,100);  
 eighth grade, two employees, three thousand six hundred dollars (\$3,600);  
 seventh grade, five employees, seven thousand five hundred dollars (\$7,500);  
 sixth grade, ten employees, eleven thousand six hundred dollars (\$11,600);  
 fifth grade, nine employees, eight thousand one hundred dollars (\$8,100);  
 fourth grade, twelve employees, eight thousand six hundred forty dollars (\$8,640);  
 third grade, nine employees, five thousand four hundred dollars (\$5,400);  
 second grade, ten employees, four thousand eight hundred dollars (\$4,800);  
 first grade, six employees, two thousand one hundred sixty dollars (\$2,160), or so much thereof as may be necessary.

For books, serials and binding pursuant to chapter three hundred seventy-eight, laws of eighteen hundred ninety-two, twenty thousand dollars (\$20,000), or so much thereof as may be necessary.

For the state medical library for books, serials and binding pursuant to chapter three hundred seventy-seven, laws of eighteen hundred ninety-one, two thousand dollars (\$2,000), or so much thereof as may be necessary.

For the law library for books, serials and binding, two thousand five hundred dollars (\$2,500), or so much thereof as may be necessary.

For books to be loaned free to the blind of the state, two thousand dollars (\$2,000), or so much thereof as may be necessary.

## LIBRARY SCHOOL.

For salaries:

vice-director, two thousand five hundred dollars (\$2,500);  
of the employees according to grade:  
seventh grade, one employee, one thousand five hundred dollars (\$1,500);  
sixth grade, one employee, one thousand two hundred dollars (\$1,200);  
third grade, two employees, one thousand two hundred dollars (\$1,200), or so much thereof as may be necessary.

## DIVISION OF EDUCATIONAL EXTENSION.

chief, two thousand four hundred dollars (\$2,400);  
of the employees according to grade:  
eighth grade, one employee, one thousand eight hundred dollars (\$1,800);  
seventh grade, one employee, one thousand five hundred dollars (\$1,500);  
sixth grade, two employees, two thousand four hundred dollars (\$2,400);  
fifth grade, one employee, nine hundred dollars (\$900);  
fourth grade, two employees, one thousand four hundred forty dollars (\$1,440);  
third grade, three employees, one thousand eight hundred dollars (\$1,800);  
second grade, three employees, one thousand four hundred forty dollars (\$1,440);  
first grade, two employees, seven hundred twenty dollars (\$720), or so much thereof as may be necessary.

For grants of public money for the benefit of free libraries, in accordance with sections fourteen, forty-seven, forty-eight, and fifty of chapter three hundred seventy-eight, laws of eighteen hundred ninety-two, thirty thousand dollars (\$30,000), or so much thereof as may be necessary.

For traveling libraries and books, including traveling libraries for charitable institutions, six thousand dollars (\$6,000);

## DIVISION OF SCIENCE.

For salaries:

director, state geologist and paleontologist, five thousand dollars (\$5,000);

of the employees according to grade:

tenth grade, three employees, seven thousand dollars (\$7,000);

ninth grade, one employee, two thousand dollars (\$2,000);

seventh grade, four employees, five thousand seven hundred dollars (\$5,700);

sixth grade, five employees, five thousand eight hundred twenty dollars (\$5,820);

fifth grade, four employees, three thousand four hundred eighty dollars (\$3,480);

fourth grade, three employees, two thousand one hundred sixty dollars (\$2,160);

third grade, two employees, one thousand two hundred dollars (\$1,200);

second grade, one employee, four hundred eighty dollars (\$480), or so much thereof as may be necessary.

For the actual and necessary traveling expenses of the director and his assistants in the performance of their official duties, and for necessary temporary services in preserving and increasing the various scientific collections, and for field operations and scientific investigations, eleven thousand dollars (\$11,000), or so much thereof as may be necessary.

## TEMPORARY SERVICES.

For temporary services in the several divisions of the education department, except for the division of science and teachers' institutes, ten thousand dollars (\$10,000), or so much thereof as may be necessary. No payments for temporary services in said department shall be made from any other appropriation in this act, except as herein indicated.

## POSTAGE, EXPRESS, ETC.

For postage, messages and transportation of letters, official documents, and other matter sent by express or freight, including boxes or coverings for same, twenty-six thousand dollars (\$26,000), or so much thereof as may be necessary.



## PRINTING.

For all department printing including trustees' reports, school registers, and the Arbor Day circular, twenty-six thousand dollars (\$26,000), or so much thereof as may be necessary. No payments for printing for the department of education shall be made from any other appropriation in this act.

## TRAVELING EXPENSES.

For actual and necessary traveling expenses incurred in the performance of official duty in the visitation and inspection of common schools, high schools, academies, Indian schools, normal schools, colleges, universities, libraries and other institutions under the supervision of the education department; by the state examinations board and of lectures in the library school, eighteen thousand five hundred dollars (\$18,500), or so much thereof as may be necessary. No payment for traveling expenses for said department except for the division of science, and for teachers' institutes, shall be made from any other appropriation in this act.

## OFFICE EXPENSES AND CARE OF ROOMS.

For services of elevator men, porters, laborers, cleaners, for care of rooms occupied by the department, in the basement, and on the first, third, fourth, fifth, sixth and seventh floors of the capitol, including the state library, ten thousand dollars (\$10,000), or so much thereof as may be necessary.

For rent of malthouse for storage, one thousand two hundred dollars (\$1,200), or so much thereof as may be necessary.

For office fixtures and for furniture and all other necessary incidental expenses, ten thousand eight hundred dollars (\$10,800), or so much thereof as may be necessary, of which nine thousand seven hundred twenty-nine dollars and fifty-three cents (re. \$9,729.53) is reappropriated from the unexpended balance of the appropriation for salaries for the department made by chapter six hundred eighty-three, laws of nineteen hundred six.

## LECTURERS AT FARMERS' INSTITUTES.

For the services of lecturers and instructors at farmers' institutes to be appointed and directed by the state education department, seven thousand five hundred dollars (\$7,500), or so much

thereof as may be necessary. Such appointees shall render such other services to the department throughout the year when not engaged in visiting farmers' institutes as may be required.

#### TEACHERS' INSTITUTES.

For the salaries:

of five institute conductors, fifteen thousand dollars (\$15,000);  
of a special instructor in drawing, two thousand two hundred dollars (\$2,200);

of a special instructor in primary work, reading and literature, two thousand dollars (\$2,000);

of a special instructor in English, one thousand two hundred dollars (\$1,200), or so much thereof as may be necessary.

For actual and necessary traveling expenses and temporary services of additional special instructors at teachers' institutes, city institutes and the university convocation, twenty-five thousand dollars (\$25,000), or so much thereof as may be necessary.

#### TRAINING OF TEACHERS.

For payment to academies and union schools designated by the commissioner of education for the professional training of teachers, pursuant to chapter five hundred fifty-six, laws of eighteen hundred ninety-four, and for the professional training of teachers in cities and villages of the state employing a local superintendent of schools, in accordance with the provision of chapter ten hundred thirty-one, laws of eighteen hundred ninety-five, one hundred ten thousand dollars (\$110,000). Not more than one hundred fifteen training classes shall be established by the commissioner of education in any one year under the provisions of chapter five hundred fifty-six, laws of eighteen hundred ninety-four. Five hundred dollars (\$500) shall be paid to each school maintaining a class of not less than ten pupils in accordance with rules and regulations established by the commissioner of education, under the provisions of chapter five hundred fifty-six, laws of eighteen hundred ninety-four. One dollar (\$1) per week for each week of instruction of each pupil shall be paid to cities and villages maintaining training schools in accordance with rules and regulations established by the commissioner of education under the provisions of chapter ten hundred thirty-one, laws of eighteen hundred ninety-five. Such balance

as shall remain shall be apportioned among such training classes ratably on the basis of the number of pupils instructed therein in excess of ten.

#### MAINTENANCE OF INDIAN SCHOOLS.

For the support of Indian schools, ten thousand dollars (\$10,000), or so much thereof as may be necessary.

#### INDIAN EDUCATION IN NORMAL SCHOOLS.

For the support and education of Indian youth in the state normal and training schools pursuant to provisions of chapter eighty-nine, laws of eighteen hundred fifty-one, six hundred dollars (\$600), or so much thereof as may be necessary.

#### NORMAL SCHOOLS.

For the maintenance of the state normal college and the state normal schools, four hundred fifty-five thousand dollars (\$455,000), or so much thereof as may be necessary, payable on the approval of the commission of education as follows:

of the state normal college at Albany, sixty thousand dollars (\$60,000);

of the state normal schools at:

Brockport, thirty-six thousand dollars (\$36,000);

Buffalo, thirty-six thousand dollars (\$36,000);

Cortland, forty-five thousand dollars (\$45,000);

Fredonia, thirty-six thousand dollars (\$36,000);

Geneseo, forty-five thousand dollars (\$45,000);

New Paltz, thirty-six thousand dollars (\$36,000);

Oneonta, forty-five thousand dollars (\$45,000);

Oswego, thirty-eight thousand dollars (\$38,000);

Plattsburgh, thirty-six thousand dollars (\$36,000);

Potsdam, forty-two thousand dollars (\$42,000).

One thousand dollars (\$1,000) shall be allowed to the president of the state normal college in addition to his salary in lieu of the residence heretofore provided and destroyed by fire in nineteen hundred and six and the sum of three hundred dollars (\$300) in addition to salary shall be allowed to the principal of each normal school not provided with a residence by the state.



In addition to the above appropriation fifteen thousand dollars (\$15,000), or so much thereof as may be necessary, is hereby appropriated from the tuition fees and revenues from other sources received by the state treasurer from the several normal schools to be repaid to the schools from which received for their further support and maintenance. No part of the appropriation for the maintenance of normal schools shall be available for insurance of normal school buildings.

#### SCHOOL COMMISSIONERS.

For the salaries of the school commissioners, one hundred thirteen thousand dollars (\$113,000), payable one thousand dollars (\$1,000) to each commissioner in the state.

#### COMMON SCHOOLS.

For the support of the common schools of the state, four million eight hundred thousand dollars (\$4,800,000), or so much thereof as may be necessary, to be apportioned by the commissioner of education as supervision, district and teachers' quotas on the basis provided by title two of the consolidated school law. Before making such apportionment the commissioner of education may set aside not to exceed ten thousand dollars (\$10,000) for a contingent fund.

#### CITIES, ACADEMIES, ACADEMIC DEPARTMENTS AND LIBRARIES.

For the cities, union school districts, academies maintaining academic departments, and public school libraries, five hundred fifty thousand dollars (\$550,000) to be apportioned by the commissioner of education under regulations established by him in the manner directed by chapter six hundred eighty-three, laws of nineteen hundred six, for the apportionment of an appropriation for the same purpose; but in the apportionment of moneys for non-resident pupils attending the academic department of public schools as provided in said chapter, the commissioner of education shall include non-resident pupils from districts not maintaining a four-year curriculum, providing such non-resident pupils shall have completed the course of studies maintained by the district in which they reside; and in such apportionment to cities whose customary charge for non-resident pupils is greater than the sum provided in said chapter, the commissioner of educa-

tion may in his discretion permit the sum so apportioned to be applied upon such customary charge for such non-resident pupils from towns adjacent to such cities, provided the balance of such customary charge shall be assumed by the school district in which such non-resident pupil is resident and the payment thereof shall have been provided for at a school district meeting, held in such district.

The comptroller is hereby authorized to transfer to the general fund to meet the appropriations hereby made for educational purposes, so much of the revenues of the trust funds as may be necessary, not to exceed three hundred forty-nine thousand five hundred dollars (\$349,500), as follows:

Common school fund, one hundred seventy-seven thousand dollars (\$177,000).

Literature fund, twelve thousand dollars (\$12,000).

United States deposit fund, one hundred sixty thousand five hundred dollars (\$16,500).

## STATE SUPERINTENDENT OF ELECTIONS.

### FOR THE METROPOLITAN ELECTIONS DISTRICT.

For the salaries:

of the state superintendent, five thousand dollars (\$5,000);  
 chief deputy, four thousand five hundred dollars (\$4,500);  
 general counsel, four thousand dollars (\$4,000);  
 secretary, two thousand dollars (\$2,000);  
 field deputy, two thousand dollars (\$2,000);  
 chief clerk, one thousand eight hundred dollars (\$1,800);  
 stenographer, one thousand five hundred dollars (\$1,500);  
 deputy state superintendents of elections, one hundred fifty thousand dollars (\$150,000), or so much thereof as may be necessary.

For furniture, books, blanks, printing, stationery, messages and other necessary incidental office expenses, twenty-two thousand five hundred dollars (\$22,500), or so much thereof as may be necessary.

## STATE DEPARTMENT OF EXCISE.

For the salaries: .

of the state commissioner of excise, seven thousand dollars (\$7,000), and for his actual and necessary traveling expenses in the performance of his official duty, nine hundred dollars (\$900), or so much thereof as may be necessary;

deputy commissioner, five thousand dollars (\$5,000), and for his actual and necessary traveling expenses and the performance of his official duty, two hundred dollars (\$200), or so much thereof as may be necessary;

second deputy commissioner, three thousand five hundred dollars (\$3,500).

For expenses of special agent service, including salaries of sixty special agents, and salary and expenses of special detective service, one hundred forty thousand dollars (\$140,000), or so much thereof as may be necessary.

For legal expenses, including salaries of attorneys and law stenographers for Albany, New York, Brooklyn and Buffalo offices, and compensation, costs, expenses and disbursements of attorneys under section ten of the liquor tax law, seventy-five thousand dollars (\$75,000), or so much thereof as may be necessary.

For furniture, books, blanks, binding, printing, stationery, postage, transportation of letters and official documents and other matter sent by express or freight, including boxes or covering for same, and other necessary and incidental office expenses, including suboffices, eighteen thousand dollars (\$18,000), or so much thereof as may be necessary.

For paying judgments against the state commissioner of excise, or against any special deputy commissioner of excise or county treasurer, where said judgments were obtained in actions brought or defended by the direction of the state commissioner of excise, five thousand dollars (\$5,000), or so much thereof as may be necessary.

For examination of offices of the special deputy commissioners and county treasurers, three thousand dollars (\$3,000), or so much thereof as may be necessary.

For expense of enumeration and determining amount of excise taxation in several localities, including supervision, four thousand dollars (\$4,000), or so much thereof as may be necessary.



## REBATES.

For the payment of rebates on surrender of liquor tax certificates, under the provisions of the liquor tax law, three hundred thousand dollars (\$300,000), or so much thereof as may be necessary.

## ALBANY OFFICE.

For the salaries:

- of the secretary, two thousand dollars (\$2,000);
- financial clerk, one thousand eight hundred dollars (\$1,800);
- chief rebate clerk, two thousand two hundred fifty dollars (\$2,250);
- auditor, two thousand five hundred dollars (\$2,500);
- accountant and special examiner, two thousand five hundred dollars (\$2,500);
- cashier, two thousand seven hundred fifty dollars (\$2,750);
- of the employees according to grade:
  - ninth grade, three employees, six thousand dollars (\$6,000);
  - eighth grade, three employees, five thousand two hundred dollars (\$5,200);
  - seventh grade, four employees, six thousand dollars (\$6,000);
  - sixth grade, fifteen employees, sixteen thousand nine hundred forty dollars (\$16,940);
  - fifth grade, six employees, four thousand five hundred dollars (\$4,500);
  - fourth grade, one employee, seven hundred twenty dollars (\$720), or so much thereof as may be necessary.

## SPECIAL DEPUTY COMMISSIONER OF EXCISE.

For the one-half part, payable by the state, of the salaries and expenses of the several special deputy commissioners of excise, including office rent and clerical help, office furniture, fixtures and appliances, as provided by section nine of the liquor tax law, to wit:

## BOROUGH OF MANHATTAN AND THE BRONX.

For the salaries:

- of the special deputy commissioner, two thousand five hundred dollars (\$2,500);

cashier and bookkeeper, one thousand seven hundred fifty dollars (\$1,750),  
confidential clerk, one thousand dollars (\$1,000);  
of the employees according to grade:  
tenth grade, one employee, one thousand one hundred twenty-five dollars (\$1,125);  
seventh grade, ten employees, seven thousand five hundred dollars (\$7,500);  
sixth grade, two employees, one thousand two hundred dollars (\$1,200);  
fourth grade, one employee, three hundred sixty dollars (\$360), or so much thereof as may be necessary.

For rent, four thousand dollars (\$4,000), or so much thereof as may be necessary.

#### BOROUGH OF BROOKLYN.

For the salaries:

of the special deputy commissioner, one thousand eight hundred seventy-five dollars (\$1,875);  
cashier, one thousand two hundred fifty dollars (\$1,250);

of the employees according to grade:

ninth grade, two employees, two thousand dollars (\$2,000);  
seventh grade, four employees, three thousand dollars (\$3,000);  
sixth grade one employee, six hundred dollars (\$600), or so much thereof as may be necessary.

For rent, one thousand two hundred dollars (\$1,200), or so much thereof as may be necessary.

#### BOROUGH OF QUEENS.

For the salary of the special deputy commissioner, one thousand two hundred fifty dollars (\$1,250), and for expenses of his office, including office rent and clerical help, one thousand three hundred fifty dollars (\$1,350), or so much thereof as may be necessary.

#### BOROUGH OF RICHMOND.

For the salary of the special deputy commissioner, one thousand dollars (\$1,000), and for expenses of his office, including office rent and clerical help, four hundred dollars (\$400), or so much thereof as may be necessary.

## COUNTY OF ERIE.

For the salaries:

of the special deputy commissioner, one thousand five hundred dollars (\$1,500);

of the employees according to grade:

ninth grade, one employee, one thousand dollars (\$1,000);

seventh grade, two employees, one thousand five hundred dollars (\$1,500);

sixth grade, one employee, four hundred eighty dollars (\$480), or so much thereof as may be necessary.

For rent, nine hundred dollars (\$900), or so much thereof as may be necessary.

## COUNTY OF MONROE.

For the salary of the special deputy commissioner, one thousand two hundred fifty dollars (\$1,250), and for the expenses of his office, including office rent and clerical help, three hundred dollars (\$300), or so much thereof as may be necessary.

## COUNTY OF ALBANY.

For the salary of the special deputy commissioner, from January one, nineteen hundred nine, to September thirty, nineteen hundred nine, seven hundred fifty dollars (\$750), and for the expenses of his office, including office rent and clerical help, three hundred dollars (\$300), or so much thereof as may be necessary.

## COUNTY OF ONONDAGA.

For the salary of the special deputy commissioner, from January one, nineteen hundred nine, to September thirty, nineteen hundred nine, seven hundred fifty dollars (\$750), and for the expenses of his office, including office rent and clerical help, three hundred dollars (\$300), or so much thereof as may be necessary.

## COUNTY OF ONEIDA.

For the salary of the special deputy commissioner, from January one, nineteen hundred nine, to September thirty, nineteen hundred nine, five hundred sixty-two dollars fifty cents (\$562.50), and for the expenses of his office, including office rent and clerical help, two hundred fifty dollars (\$250), or so much thereof as may be necessary.



## COUNTY OF RENSSELAER.

For the salary of the special deputy commissioner, from January one, nineteen hundred nine, to September thirty, nineteen hundred nine, five hundred sixty-two dollars fifty cents (\$562.50), and for the expenses of his office, including office rent and clerical help, three hundred dollars (\$300), or so much thereof as may be necessary.

## COUNTY OF WESTCHESTER.

For the salary of the special deputy commissioner, from January one, nineteen hundred nine, to September thirty, nineteen hundred nine, nine hundred thirty-seven dollars fifty cents (\$937.50), and for the expenses of his office, including office rent and clerical help, seven hundred fifty dollars (\$750), or so much thereof as may be necessary.

## COUNTY OF NIAGARA.

For the salary of the special deputy commissioner, from January one, nineteen hundred nine, to September thirty, nineteen hundred nine, seven hundred fifty dollars (\$750), and for the expenses of his office, including office rent and clerical help, two hundred fifty dollars (\$250), or so much thereof as may be necessary.

## COUNTY OF SCHENECTADY.

For the salary of the special deputy commissioner, from January one, nineteen hundred ten, to September thirty, nineteen hundred ten, five hundred sixty-two dollars fifty cents (\$562.50), and for furnishings and expenses of his office, including office rent and clerical help, two hundred fifty dollars (\$250), or so much thereof as may be necessary.

## FOREST, FISH AND GAME COMMISSION.

For the salaries:

of the commissioner, five thousand dollars (\$5,000);

deputy commissioner, two thousand five hundred dollars (\$2,500); and for the actual and necessary traveling expenses of the commissioner and deputy commissioner, in the performance of their official duty, three thousand dollars (\$3,000), or so much thereof as may be necessary;

of the employees according to grade:

tenth grade, two employees, four thousand six hundred dollars (\$4,600);

ninth grade, one employee, two thousand dollars (\$2,000);

eighth grade, one employee, one thousand seven hundred dollars (\$1,700);

fifth grade, one employee, eight hundred dollars (\$800), or so much thereof as may be necessary.

For furniture, books, blanks, printing, stationery, messages, postage and transportation of letters, official documents and other matter sent by express or freight, including boxes or covering for same and other necessary and incidental office expenses, six thousand dollars (\$6,000), or so much thereof as may be necessary.

For printing twenty-five thousand copies of the forest, fish and game law for nineteen hundred eight, pursuant to chapter two hundred eighty-two, laws of nineteen hundred seven, three thousand six hundred dollars (\$3,600), or so much thereof as may be necessary.

#### PROTECTION OF FISH AND GAME.

For the salaries:

of the employees according to grade:

ninth grade, one employee, two thousand dollars (\$2,000);

eighth grade, one employee, one thousand six hundred dollars (\$1,600);

seventh grade, one employee, one thousand four hundred dollars (\$1,400);

sixth grade, three employees, three thousand six hundred dollars (\$3,600);

fifth grade, seventy-five protectors, at nine hundred dollars each, sixty-seven thousand five hundred dollars (\$67,500), or so much thereof as may be necessary, and for the additional compensation of the chief protector or chief assistant while residing in Albany, six hundred dollars (\$600), or so much thereof as may be necessary.

For the expenses of the chief protector, one thousand dollars (\$1,000), for assistant chief protectors, seven hundred fifty dollars each, three thousand dollars (\$3,000), and for the seventy-five protectors, five hundred dollars each, thirty-seven thousand five hundred dollars (\$37,500), or so much thereof as may be necessary.

## PROPAGATION AND DISTRIBUTION OF FISH.

For the expense and maintenance of fish hatcheries, and hatching stations, and for the propagation and distribution of food and game fish and fry, as follows:

- for the Adirondack hatchery, eight thousand dollars (\$8,000);
- Bath hatchery, seven thousand dollars (\$7,000);
- Caledonia hatchery, thirteen thousand dollars (\$13,000);
- Cold Spring harbor hatchery, ten thousand dollars (\$10,000);
- Delaware hatchery, five thousand dollars (\$5,000);
- Fulton chain hatchery, three thousand dollars (\$3,000);
- Linlithgo hatchery, five thousand dollars (\$5,000);
- Oneida hatchery, seven thousand dollars (\$7,000);
- Chautauqua hatchery, three thousand dollars (\$3,000).

For collecting and purchasing fish eggs, three thousand dollars (\$3,000), or so much thereof as may be necessary.

For miscellaneous expenses, one thousand dollars (\$1,000), or so much thereof as may be necessary.

For the salary of the fish culturist, three thousand dollars (\$3,000), and for his actual and necessary traveling expenses in the performance of his official duty, nine hundred dollars (\$900), or so much thereof as may be necessary.

## LEGAL DEPARTMENT.

For the salaries:

- one chief attorney, four thousand five hundred dollars (\$4,500);
- one attorney, two thousand five hundred dollars (\$2,500);
- two employees, two thousand seven hundred dollars (\$2,700);
- (one attorney, fifteen hundred dollars, stenographer, twelve hundred dollars).

For furniture, law books, stationery and printing two hundred fifty dollars (\$250), or so much thereof as may be necessary.

## MARINE FISHERIES BUREAU.

For the salaries:

- of the superintendent, three thousand dollars (\$3,000);
- ninth grade, two employees, four thousand dollars (\$4,000);
- (deputy superintendent and engineer, two thousand dollars each);



eighth grade, one employee, eighteen hundred dollars (\$1,800);

seventh grade, six employees, eight thousand dollars (\$8,000);  
(one confidential secretary, fifteen hundred dollars, five fisheries protectors, thirteen hundred dollars each);

sixth grade, one stenographer, one thousand two hundred dollars (\$1,200).

And for the expenses of the superintendent of marine fisheries, seven hundred fifty dollars (\$750), the deputy superintendent, seven hundred dollars (\$700), the engineer, seven hundred dollars (\$700), three fisheries protectors, seven hundred fifty dollars each, twenty-two hundred and fifty dollars (\$2,250), two Jamaica bay protectors, four hundred fifty dollars each, nine hundred dollars (\$900).

For rent and necessary incidental office expenses of the marine fisheries bureau, four thousand dollars (\$4,000), or so much thereof as may be necessary.

#### FORESTRY DEPARTMENT.

For the salaries:

of the superintendent of forests, three thousand dollars (\$3,000), and for his actual and necessary traveling expenses in the performance of his official duty, nine hundred dollars (\$900), or so much thereof as may be necessary.

of the employees according to grade:

ninth grade, one employee, two thousand dollars (\$2,000)  
(assistant superintendent of forests);

eighth grade, three employees, five thousand one hundred dollars (\$5,100) (chief fire warden, eighteen hundred dollars, special agent, sixteen hundred dollars, forester, seventeen hundred dollars);

seventh grade, one employee, fifteen hundred dollars (\$1,500)  
(forester);

sixth grade, three employees, three thousand four hundred dollars (\$3,400) (stenographer, twelve hundred dollars, one forester, twelve hundred dollars, one forester, one thousand dollars);

fifth grade, five employes, four thousand five hundred dollars (\$4,500) (five inspectors, nine-hundred dollars each).

And for the expenses of the assistant superintendent of forests, nine hundred dollars (\$900), the chief fire warden nine hundred dollars (\$900), four foresters, four hundred fifty dollars each, one thousand eight hundred dollars (\$1,800), and five inspectors, four hundred fifty dollars each, two thousand two hundred fifty dollars (\$2,250).

For the purpose of reforesting burned or denuded lands in the forest preserve, and for preparing and distributing instructive pamphlets on forestry subjects, and for establishing additional nurseries for the propagation of forest trees, to be furnished to citizens of the state at cost, to be planted under the direction and regulation of the forest, fish and game commission, ten thousand dollars (\$10,000), or so much thereof as may be necessary.

For furniture, law books, stationery and printing, two hundred fifty dollars (\$250), or so much thereof as may be necessary.

### HEALTH DEPARTMENT.

For the salaries:

of the commissioner of health, four thousand five hundred dollars (\$4,500); and for his actual and necessary traveling expenses in the performance of his official duty, one thousand five hundred dollars (\$1,500), or so much thereof as may be necessary;

secretary, three thousand dollars (\$3,000);

of the employees according to grade:

tenth grade, one employee, two thousand four hundred dollars (\$2,400);

seventh grade, one employee, one thousand five hundred dollars (\$1,500);

sixth grade, one employee, one thousand eighty dollars (\$1,080);

second grade, one employee, four hundred eighty dollars (\$480);

### DIVISION OF SANITARY ENGINEERING.

For the salaries:

of the consulting engineers, four thousand five hundred dollars (\$4,500);

assistant consulting engineer, two thousand four hundred dollars (\$2,400);

two assistant sanitary engineers, three thousand dollars (\$3,000), or so much thereof as may be necessary.

of the employees according to grade:

sixth grade, one employee, one thousand eighty dollars (\$1,080);

For the purchase of instruments, maps, and for necessary and incidental office expenses, one thousand dollars (\$1,000), or so much thereof as may be necessary.

#### DIVISION OF VITAL STATISTICS.

of the employees according to grade:

seventh grade, three employees, four thousand five hundred dollars (\$4,500);

sixth grade, one employee, one thousand two hundred dollars (\$1,200);

fifth grade, two employees, one thousand eight hundred dollars (\$1,800);

fourth grade, two employees, one thousand four hundred forty dollars (\$1,440);

third grade, two employees, one thousand two hundred dollars (\$1,200), or so much thereof as may be necessary.

#### DIVISION OF COMMUNICABLE DISEASES.

of the medical expert on contagious diseases, one thousand five hundred dollars (\$1,500);

of the employees according to grade:

fifth grade, two employees, one thousand eight hundred dollars (\$1,800).

#### ANTITOXIN LABORATORY.

For the actual and necessary expenditures for the manufacture and standardization of tetanus, streptococcus and diphtheria anti-toxin, for the proper distribution of the same in antiseptic tubes, and for further investigations of serum therapy in tuberculosis,



typhoid fever and kindred diseases, eighteen thousand dollars (\$18,000), or so much thereof as may be necessary.

#### HYGIENIC LABORATORY.

For the actual and necessary expenses of equipment and maintenance of the state hygienic laboratory and for the services of the Bender laboratory, ten thousand dollars (\$10,000), or so much thereof as may be necessary.

For the actual and necessary traveling expenses of subordinates of the department of health in the performance of their official duty pursuant to the written direction of the commissioner, five thousand dollars (\$5,000), or so much thereof as may be necessary.

For services and expenses of experts and stenographers in examinations and investigations, and for the expense of the annual conference of health officers, seven thousand five hundred dollars (\$7,500), or so much thereof as may be necessary.

For furniture, books, blanks, binding, printing, messages and other necessary and incidental office expenses, seven thousand five hundred dollars (\$7,500), or so much thereof as may be necessary.

For postage, and transportation of letters, official documents, and other matter sent by express or freight, including boxes or covering for same, four thousand dollars (\$4,000), or so much thereof as may be necessary.

#### STATE HISTORIAN.

For the salaries:

of the state historian, four thousand five hundred dollars (\$4,500);

of the employees according to grade:

seventh grade, one employee, one thousand five hundred dollars (\$1,500);

sixth grade, one employee, one thousand two hundred dollars (\$1,200);

second grade, one employee, three hundred eighty-four dollars (\$384).

For extra clerical services, furniture, books, blanks, printing, stationery, maps, messages and other necessary and incidental office expenses, seven hundred fifty dollars (\$750), or so much thereof as may be necessary.

## INSURANCE DEPARTMENT.

For the salaries:

of the superintendent of insurance, seven thousand dollars (\$7,000), and for his actual and necessary traveling expenses in the performance of his official duty, one thousand two hundred fifty dollars (\$1,250), or so much thereof as may be necessary;

first deputy superintendent of insurance, five thousand dollars (\$5,000), and for his actual and necessary traveling expenses in the performance of his official duty, one thousand dollars (re. \$1,000), or so much thereof as may be necessary, which is hereby reappropriated from a portion of the unexpired balance of the appropriation for the same purpose made by chapter six hundred eighty-three, laws of nineteen hundred six.

second deputy superintendent of insurance, four thousand five hundred dollars (\$4,500);

counsel, five thousand dollars (\$5,000);

actuary, four thousand five hundred dollars (\$4,500);

first assistant actuary, three thousand two hundred dollars (\$3,200);

registrar, two thousand five hundred dollars (\$2,500);

chief clerk and acting third deputy, three thousand six hundred dollars (\$3,600);

cashier and tax clerk, three thousand five hundred dollars (\$3,500);

of the employees according to grade:

tenth grade, two employees, four thousand eight hundred dollars (\$4,800);

ninth grade, two employees, four thousand dollars (\$4,000);

eighth grade, three employees, five thousand four hundred dollars (\$5,400);

seventh grade, twenty-five employees, thirty-seven thousand five hundred dollars (\$37,500);

sixth grade, twelve employees, thirteen thousand five hundred dollars (\$13,500);

fifth grade, one employee, nine hundred dollars (\$900), or so much thereof as may be necessary.

For rent of branch office, New York city, three thousand dollars (\$3,000), or so much thereof as may be necessary.

For printing and binding insurance reports, four thousand dollars (\$4,000), or so much thereof as may be necessary.

For furniture, books, blanks, printing, stationery, messages, postage and transportation of letters, official documents and other matter sent by express or freight, including boxes or covering for same and necessary and incidental office expenses, including New York office, fourteen thousand dollars (\$14,000), or so much thereof as may be necessary.

For the actual and necessary traveling expenses of the department employees in the performance of their official duty, three thousand four hundred ninety-one dollars (re. \$3,491), which is hereby reappropriated from a portion of the unexpended balance of the appropriation for the same purpose made by chapter six hundred eighty-three, laws of nineteen hundred six.

For expenses of communication, compilation and publication of new valuation tables for valuations and other incidental expenses connected therewith to carry into effect the provisions of section eighty-four of the insurance law, one thousand dollars (\$1,000), and the further sum of two thousand nine hundred dollars (re. \$2,900), which is hereby reappropriated from a portion of the unexpended balance of the appropriation made for the same purpose by chapter six hundred eighty-three, laws of nineteen hundred six.

For the salary of the auditor and assistant actuary, New York city, five thousand dollars (\$5,000).

For expert appraiser, New York city office, four thousand dollars (\$4,000), or so much thereof as may be necessary.

The following appropriations to be collected from and refunded to the treasury by the corporations under examination when disbursements therefrom are in consequence of services at or in connection with such examination:

For the salaries:

of the examiner of life insurance companies, not to exceed five thousand dollars (\$5,000);

examiner of casualty and miscellaneous insurance companies not to exceed four thousand five hundred dollars (\$4,500);

examiner of fire and marine insurance companies not to exceed four thousand five hundred dollars (\$4,500);

three assistant examiners, nine thousand dollars (\$9,000);



twenty-eight assistant examiners, eleven thousand dollars (\$11,000), and the further sum of twelve thousand dollars (re. \$12,000), or so much thereof as may be necessary, which is hereby reappropriated from a portion of the unexpended balance of the appropriation made for the same purpose by chapter six hundred eighty-three, laws of nineteen hundred six.

For services and expenses of department appraisers in the state, for services and expenses of appraisers and examiners designated in other states, for services and expenses of counsel and for expenses of examiners in connection with examination of insurance companies and for extra temporary services when required, eighteen thousand dollars (\$18,000), and the further sum of eight thousand dollars (re. \$8,000), or so much thereof as may be necessary, which is hereby reappropriated from a portion of the unexpended balance of the appropriation made for the same purpose by chapter six hundred eighty-three, laws of nineteen hundred six.

#### DEPARTMENT OF LABOR.

For the salaries:

of the commissioner, five thousand dollars (\$5,000);

first deputy commissioner, three thousand dollars (\$3,000);

second deputy commissioner, three thousand dollars (\$3,000);

assistant first deputy commissioner or assistant factory inspector, two thousand four hundred dollars (\$2,400);

second assistant first deputy commissioner or assistant factory inspector, two thousand dollars (\$2,000);

counsel or assistant second deputy commissioner, two thousand four hundred dollars (\$2,400);

mediator of industrial disputes, two thousand five hundred dollars (\$2,500);

chief statistician, two thousand seven hundred dollars (\$2,700);

of the employees according to grade:

tenth grade, two employees, four thousand eight hundred dollars (\$4,800);

ninth grade, one employee, two thousand one hundred dollars (\$2,100);

- eighth grade, three employees, five thousand three hundred dollars (\$5,300);
- seventh grade, fifteen employees, twenty-one thousand seven hundred eighty dollars (\$21,780), or so much thereof as may be necessary;
- sixth grade, sixty-seven employees, seventy-seven thousand six hundred dollars (\$77,600), or so much thereof as may be necessary;
- fifth grade, five employees, four thousand five hundred dollars (\$4,500), or so much thereof as may be necessary;
- fourth grade, four employees, two thousand eight hundred eighty dollars (\$2,880), or so much thereof as may be necessary;
- first grade, one employee, three hundred sixty dollars (\$360).

For the actual and necessary traveling expenses of the commissioner, in the performance of his official duty, one thousand five hundred dollars (\$1,500), or so much thereof as may be necessary.

For the actual and necessary traveling expenses of officials and employees of the department in the performance of their official duty under the direction of the commissioner, thirty-four thousand dollars (\$34,000), or so much thereof as may be necessary.

For printing, including the expense of publishing bulletins, six thousand five hundred dollars (\$6,500), or so much thereof as may be necessary.

For furniture, books, blanks, stationery, message, postage and transportation of letters, official documents and other matter sent by express or freight, including boxes or covering for same, and other necessary and incidental office expenses, ten thousand dollars (\$10,000), or so much thereof as may be necessary.

For purchase of reports and materials for the bulletins and annual reports of the department, one thousand dollars (\$1,000), or so much thereof as may be necessary.

## LAND OFFICE.

For valuations, assessments and other actual and necessary expenses incurred in administering the laws relating to public lands, six thousand dollars (\$6,000), or so much thereof as may be necessary.

## STATE COMMISSION IN LUNACY.

For the salaries:

of the medical commissioner, seven thousand five hundred dollars (\$7,500);

legal commissioner, five thousand dollars (\$5,000);

lay commissioner, five thousand dollars (\$5,000);

medical inspector, four thousand five hundred dollars (\$4,500);

secretary, five thousand dollars (\$5,000);

auditor of state hospital estimates, four thousand dollars (\$4,000);

of the employees according to grade:

ninth grade, one employee, two thousand dollars (\$2,000).

eighth grade, one employee, one thousand eight hundred dollars (\$1,800);

seventh grade, three employees, four thousand five hundred dollars (\$4,500);

sixth grade, two employees, one thousand two hundred dollars each (\$2,400);

fourth grade, one employee, seven hundred dollars (\$700);

second grade, one employee, four hundred twenty dollars (\$420), or so much thereof as may be necessary.

For temporary clerical and expert services, two thousand dollars (\$2,000), or so much thereof as may be necessary.

For the traveling and incidental expenses of the three commissioners, one thousand two hundred dollars each (\$3,600), pursuant to section three of the insanity law.

For engineering services, as required, one thousand five hundred dollars (\$1,500), or so much thereof as may be necessary.

For the actual and necessary traveling expenses of the medical inspector, in the performance of his official duty, one thousand dollars (\$1,000), or so much thereof as may be necessary.

For the deportation of alien and non-resident lunatics to other countries and states, one thousand dollars (\$1,000); and for the transfer of patients from one hospital to another, seven thousand six hundred dollars (\$7,600), or so much thereof as may be necessary.

For the salaries of the members of the board of alienists appointed under chapter three hundred twenty-six, laws of nineteen hundred four, fifteen thousand dollars (\$15,000); and for the



actual and necessary expenses of the members of said board in the performance of their official duties, one thousand fifty dollars (\$1,050); and for the services of interpreters, one thousand dollars (\$1,000), or so much thereof as may be necessary.

For compensation and actual and necessary traveling expenses of special agents, in the performance of their official duty, eight thousand dollars (\$8,000), or so much thereof as may be necessary.

For furniture, books, blanks, printing, stationery, messages, postage and transportation of letters, official documents and other matter sent by express or freight, including boxes or covering for same, and other necessary and incidental office expenses, five thousand five hundred dollars (\$5,500), or so much thereof as may be necessary.

For the maintenance of a pathological institute under the direction of the state commission in lunacy, pursuant to the insanity law and under the further provisions relating thereto contained in chapter five hundred ninety-eight, laws of nineteen hundred three, thirty thousand dollars (\$30,000), or so much thereof as may be necessary.

#### UTICA STATE HOSPITAL.

For the maintenance of the Utica State Hospital, two hundred forty-one thousand two hundred thirty-five dollars (\$241,235), or so much thereof as may be necessary.

#### WILLARD STATE HOSPITAL.

For the maintenance of the Willard State Hospital, three hundred eighty-five thousand one hundred eighty-three dollars (\$385,183), or so much thereof as may be necessary.

#### HUDSON RIVER STATE HOSPITAL.

For the maintenance of the Hudson River State Hospital, five hundred nineteen thousand five hundred eighty-three dollars (\$519,583), or so much thereof as may be necessary.

#### MIDDLETOWN STATE HOMEOPATHIC HOSPITAL.

For the maintenance of the Middletown State Homeopathic Hospital, three hundred twenty thousand five hundred twenty-two dollars (\$320,522), or so much thereof as may be necessary.

## BUFFALO STATE HOSPITAL.

For the maintenance of the Buffalo State Hospital, three hundred thirty-two thousand nine hundred eighty-seven dollars (\$332,987), or so much thereof as may be necessary.

## BINGHAMTON STATE HOSPITAL.

For the maintenance of the Binghamton State Hospital, three hundred ninety-five thousand eight hundred forty-five dollars (\$395,845), or so much thereof as may be necessary.

## SAINT LAWRENCE STATE HOSPITAL.

For the maintenance of the Saint Lawrence State Hospital, three hundred twenty-five thousand nine hundred fifty-eight dollars (\$325,958), or so much thereof as may be necessary.

## ROCHESTER STATE HOSPITAL.

For the maintenance of the Rochester State Hospital, two hundred fifty thousand five hundred thirteen dollars (\$250,513), or so much thereof as may be necessary.

## GOWANDA STATE HOMEOPATHIC HOSPITAL.

For the maintenance of the Gowanda State Homeopathic Hospital, one hundred eighty-eight thousand six hundred fifty-eight dollars (\$188,658), or so much thereof as may be necessary.

## KINGS PARK STATE HOSPITAL.

For the maintenance of the Kings Park State Hospital, four hundred eighty-nine thousand two hundred eighteen dollars (\$489,218), or so much thereof as may be necessary.

## LONG ISLAND STATE HOSPITAL.

For the maintenance of the Long Island State Hospital, one hundred forty-seven thousand six hundred nine dollars (\$47,609), or so much thereof as may be necessary.

## MANHATTAN STATE HOSPITAL.

For the maintenance of the Manhattan State Hospital, six hundred sixty-seven thousand two hundred eighty-six dollars (\$667,286), or so much thereof as may be necessary.

## CENTRAL ISLIP STATE HOSPITAL.

For the maintenance of the Central Islip State Hospital, five hundred eighty-three thousand four hundred forty-nine dollars (\$583,449), or so much thereof as may be necessary.

## NATIONAL GUARD.

For the salaries:

of the adjutant-general, five thousand five hundred dollars (\$5,500);

for three assistant adjutants-general, two of the grade of colonel, one of the grade of lieutenant-colonel, and a military storekeeper, grade of captain, eight thousand five hundred dollars (\$8,500);

of the employees according to grade:

ninth grade, one employee, two thousand one hundred dollars (\$2,100);

eighth grade, four employees, six thousand eight hundred dollars (\$6,800);

seventh grade, seven employees, eight thousand six hundred dollars (\$8,600);

sixth grade, four employees, three thousand eight hundred sixty dollars (\$3,860);

fifth grade, four employees, three thousand two hundred dollars (\$3,200);

fourth grade, eight employees, five thousand seven hundred sixty dollars (\$5,760);

of the officers on the staff of the major-general commanding division national guard:

adjutant-general, grade of lieutenant-colonel, two thousand five hundred dollars (\$2,500);

adjutant-general, grade of lieutenant-colonel, one thousand five hundred dollars (\$1,500);

inspector-general, grade of lieutenant-colonel, two thousand five hundred dollars (\$2,500);

inspector-general, grade of lieutenant-colonel, five hundred dollars (\$500);

lieutenant-colonel, ordnance department, two thousand five hundred dollars (\$2,500);

major, ordnance department, two thousand dollars (\$2,000);



of the employees according to grade:

seventh grade, two employees, three thousand dollars (\$3,000);  
fifth grade, one employee, nine hundred dollars (\$900), or  
so much thereof as may be necessary.

For allowances to headquarters of brigades, regiments, battalions and squadrons, thirty-four thousand nine hundred dollars (\$34,900), or so much thereof as may be necessary.

For allowances to officers to assist in uniforming and equipping themselves and for organizations for the purpose of defraying and the office of the adjutant-general, two hundred fifty thousand dollars (\$175,000), or so much thereof as may be necessary.

For payment of pensions to the members of the national guard and naval militia and their care when injured or disabled in service and for the expense of examination of claims for pensions, ten thousand dollars (\$10,000), or so much thereof as may be necessary.

For postage and transportation of letters, official documents or other matter sent by express or freight, including boxes or covering for same, for the adjutant-general, one thousand dollars (\$1,000); and for the headquarters division, national guard, five hundred dollars (\$500), or so much thereof as may be necessary.

For the actual and necessary expenses of the national guard and the office of the adjutant-general, two hundred fifty thousand dollars (\$250,000), or so much thereof as may be necessary.

#### NAVAL MILITIA.

For allowance to assist the headquarters of the naval militia and battalions, two thousand four hundred dollars (\$2,400), or so much thereof as may be necessary.

For allowance to officers to assist in uniforming and equipping themselves and organizations for the purpose of defraying necessary military expenses, six thousand six hundred dollars (\$6,600), or so much thereof as may be necessary.

For other actual and necessary expenses of the naval militia, to be expended in accordance with the military law, twenty-five thousand dollars (\$25,000), or so much thereof as may be necessary.

#### MILITARY RECORD FUND.

For the adjutant-general, for the expenses of the bureau of military records, payable from the revenue of the military record fund, two thousand dollars (\$2,000), or so much thereof as may be necessary.

## NIAGARA RESERVATION.

**For the salaries:**

of the superintendent, two thousand four hundred dollars (\$2,400);

watchmen, janitors, scrub-woman and janitors' supplies, three thousand dollars (\$3,000), or so much thereof as may be necessary.

police, ticket-men and caretakers, eight thousand eight hundred dollars (\$8,800), or so much thereof as may be necessary.

For the commissioners' actual and necessary expenses in the performance of their official duty, superintendent's office expenses and actual and necessary traveling expenses in the performance of his official duty and for postage, messages and express charges, one thousand six hundred dollars (\$1,600), or so much thereof as may be necessary.

For salaries of foremen, teamsters, laborers and other employees as required, and the purchase of materials, tools, lights, fuel and other necessary and incidental expenses, fifteen thousand dollars (\$15,000), or so much thereof as may be necessary.

## STATE COMMISSION OF PRISONS.

For compensation of the commissioners, three thousand dollars (\$3,000), or so much thereof as may be necessary.

**For the salaries:**

of the secretary, three thousand dollars (\$3,000);

of the employees according to grade:

seventh grade, one employee, one thousand five hundred dollars (\$1,500);

sixth grade, two employees, two thousand two hundred dollars (\$2,200).

For the actual and necessary traveling expenses of the commissioners and secretary in the performance of their official duty, two thousand five hundred dollars (\$2,500); and for furniture, books, blanks, printing, stationery, messages, postage and transportation of letters, official documents and other matter sent by express or freight, including boxes or covering for same, and other necessary and incidental office expenses, two thousand dollars (\$2,000), or so much thereof as may be necessary.

For the actual and necessary traveling expenses of the inspector, five hundred dollars (\$500), or so much thereof as may be necessary.

### PRISON DEPARTMENT.

For the salaries:

of the superintendent of state prisons, six thousand dollars (\$6,000);

superintendent's clerk, four thousand dollars (\$4,000);  
of the employees according to grade:

seventh grade, three employees, three thousand nine hundred dollars (\$3,900);

sixth grade, four employees, four thousand dollars (\$4,000).

For the actual and necessary traveling expenses of the superintendent and his clerks, in the performance of their official duty, two thousand dollars (\$2,000), or so much thereof as may be necessary.

For furniture, books, blanks, printing, stationery, messages, postage and transportation of letters, official documents and other matter sent by express or freight, including boxes or covering for same, and other necessary and incidental office expenses, two thousand dollars (\$2,000), or so much thereof as may be necessary.

For the support and maintenance of the several state prisons pursuant to chapter three hundred eighty-two, laws of eighteen hundred eighty-nine, and for the ordinary repairs thereof and supplying water therefor, the following sums, or so much thereof as may be necessary.

For Sing Sing prison, one hundred ninety-five thousand dollars (\$195,000), or so much thereof as may be necessary.

For Auburn prison, one hundred eighty thousand dollars (\$180,000), or so much thereof as may be necessary.

For Clinton prison, one hundred eighty thousand dollars (\$180,000), or so much thereof as may be necessary.

For the state prison for women at Auburn, pursuant to chapter three hundred six, laws of eighteen hundred ninety-three, and for the transportation of women prisoners, twenty-two thousand dollars (\$22,000), or so much thereof as may be necessary.

For the actual and necessary traveling expenses of the parole officers in the performance of their official duty, and for rewards for delinquent paroled prisoners, two thousand five hundred dollars (\$2,500), or so much thereof as may be necessary.



## DANNEMORA HOSPITAL FOR INSANE CONVICTS.

For the support and maintenance of the Dannemora hospital for insane convicts, ninety-three thousand dollars (\$93,000), or so much thereof as may be necessary, but the salary of no officer in this institution shall exceed the salary fixed by the schedule of the lunacy commission for like position.

## MATTEAWAN STATE HOSPITAL FOR INSANE CRIMINALS.

For the support and maintenance of Matteawan state hospital for insane criminals, one hundred fifty thousand dollars (\$150,000), or so much thereof as may be necessary, but the salary of no officer in this institution shall exceed the salary fixed by the schedule of the lunacy commission for like position.

## COMPENSATION OF SHERIFFS.

For compensation of sheriffs for the transportation of convicts to prisons, asylums for insane criminals, penitentiaries, houses of refuge and reformatories, eighteen thousand dollars (\$18,000), or so much thereof as may be necessary.

## MAINTENANCE OF CONVICTS.

For maintenance of convicts sentenced to penitentiaries, in pursuance to chapter one hundred fifty-eight, laws of eighteen hundred fifty-six, chapter five hundred eighty-four, laws of eighteen hundred sixty-five, chapter six hundred sixty seven, laws of eighteen hundred sixty-six, chapter five hundred seventy-four, laws of eighteen hundred sixty-nine, chapter two hundred forty-seven, laws of eighteen hundred seventy-four, chapter five hundred seventy-one, laws of eighteen hundred seventy-five, chapter four hundred ninety, laws of eighteen hundred eighty-five, chapter one hundred fifteen, laws of eighteen hundred ninety-one, and chapter five hundred eighty-seven, laws of eighteen hundred ninety-two, sixty thousand dollars (\$60,000), or so much thereof as may be necessary.

## BOARD OF PAROLE FOR STATE PRISONS.

For compensation of the two members other than the superintendent of prisons at the rate of eighteen hundred dollars per annum each, three thousand six hundred dollars (\$3,600).

## PAYABLE FROM THE CAPITAL FUND.

For the salaries:

- of one sales agent, four thousand dollars (\$4,000);
- one clerk, manufacturing department, three thousand six hundred dollars (\$3,600);
- two superintendents of industries, seven thousand two hundred dollars (\$7,200), or so much thereof as may be necessary;
- one superintendent of industries, two thousand five hundred dollars (\$2,500);
- one assistant superintendent of industries, one thousand eight hundred dollars (\$1,800);
- one master mechanic, three thousand dollars (\$3,000);
- one financial agent, New York city, two thousand four hundred dollars (\$2,400);
- one financial agent, Sing Sing, one thousand eight hundred dollars (\$1,800);
- two foremen, four thousand eight hundred dollars (\$4,800), or so much thereof as may be necessary;
- of the employees according to grade:
- ninth grade, three employees, six thousand one hundred dollars (\$6,100);
- eighth grade, three employees, five thousand four hundred dollars (\$5,400);
- seventh grade, seven employees, nine thousand nine hundred dollars (\$9,900);
- sixth grade, nineteen employees, twenty-one thousand four hundred dollars (\$21,400);
- fifth grade, forty-two employees, thirty-five thousand seven hundred sixty dollars (\$35,760);
- third grade, two employees, one thousand two hundred dollars (\$1,200);
- first grade, four employees, one thousand two hundred dollars (\$1,200), or so much thereof as may be necessary.

No other salaries or compensation for services shall be paid from the capital fund except as above provided.

## PRINTING.

For legislative printing of the state, two hundred fifty thousand dollars (\$250,000), or so much thereof as may be necessary, and

the comptroller is authorized to pay from said amount for the services of an expert printer to examine all the accounts for printing, and who shall also act as chief clerk of the printing board, a sum not to exceed two thousand seven hundred dollars (\$2,700) per annum.

#### SESSION LAWS AND OFFICIAL CANVASS.

For the publication of the session laws and the official canvass and official notices provided by law, which are subjects of contract, seventy-five thousand dollars (\$75,000), or so much thereof as may be necessary.

#### PUBLICATION OF GENERAL LAWS.

For the payment of newspapers in the various counties in this state for the publication of the general laws of the state pursuant to chapter seven hundred fifteen, laws of eighteen hundred ninety-two, one hundred fifty thousand dollars (\$150,000), or so much thereof as may be necessary.

#### STATE PROBATION COMMISSION.

For the salaries:

of the secretary, three thousand dollars (\$3,000);

of the employees according to grade:

seventh grade, one employee, one thousand five hundred dollars (\$1,500);

fourth grade, one employee, seven hundred twenty dollars (\$720);

for temporary help, two hundred fifty dollars (\$250), or so much thereof as may be necessary.

For traveling expenses of the commissioners, secretary and other employees, while engaged in the discharge of their official duties, one thousand five hundred dollars (\$1,500), or so much thereof as may be necessary.

For furniture, books, blanks, stationery, printing, messages, postage and transportation of letters, official documents and other matter sent by express or freight, including boxes or covering for the same, and other necessary and incidental office expenses, two thousand dollars (\$2,000), or so much thereof as may be necessary.



## DEPARTMENT OF PUBLIC BUILDINGS.

For the salaries:

- of the superintendent, five thousand dollars (\$5,000);
- deputy superintendent, three thousand five hundred dollars (\$3,500);
- chief engineer, two thousand four hundred dollars (\$2,400);
- chief orderly, one thousand five hundred dollars (\$1,500);
- chief of the state hall division (janitor), one thousand two hundred dollars (\$1,200);
- chief of the agricultural and geological hall division (janitor), one thousand two hundred dollars (\$1,200);
- chief of the machinery division (machinist and locksmith), one thousand two hundred dollars (\$1,200);
- chief of the stone and tile division (stone and tile setter), one thousand two hundred dollars (\$1,200);
- chief of the carpentry division (chief carpenter), one thousand dollars (\$1,000);
- chief of the upholstery division (upholsterer), nine hundred dollars (\$900);
- chief of the carpet and shade division (carpet and shade-maker), nine hundred dollars (\$900);
- chief of the painting division (painter), nine hundred dollars (\$900);

of the clerical force, as follows:

- ninth grade, two employees, four thousand dollars (\$4,000);
- seventh grade, one employee, one thousand five hundred dollars (\$1,500);
- sixth grade, three employees, three thousand four hundred dollars (\$3,400), or so much thereof as may be necessary.

For the services or orderlies, watchmen, engineers, firemen, carpenters, machinists, electricians, mechanics, cleaners, laborers, porters and other necessary employees in the care and maintenance of the public buildings, one hundred eight thousand dollars (\$108,000), or so much thereof as may be necessary.

For furniture, repairs, coal, fuel, water, machinery, fixtures, appliances, supplies and other necessary and incidental expenses, forty-five thousand dollars (\$45,000), or so much thereof as may be necessary.

For the trustees of public buildings, for the salary of the keeper of the senate-house property, at Kingston, pursuant to chapter two hundred twenty-seven, laws of eighteen hundred ninety-three, six hundred dollars (\$600).

## DEPARTMENT OF PUBLIC WORKS.

### PAYABLE FROM THE CANAL FUND.

For the salaries:

of the superintendent of public works, six thousand dollars (\$6,000); deputy superintendent, five thousand dollars (\$5,000); three assistant superintendents, nine thousand dollars (\$9,000);

financial clerk, three thousand six hundred dollars (\$3,600); assistant financial clerk, two thousand seven hundred dollars (\$2,700);

of the employees according to grade:

eighth grade, two employees, three thousand four hundred dollars (\$3,400);

seventh grade, three employees, four thousand three hundred dollars (\$4,300);

sixth grade, five employees, five thousand six hundred dollars (\$5,600);

fifth grade, four employees, three thousand six hundred dollars (\$3,600);

first grade, one employee (janitress), one hundred forty-four dollars (\$144), or so much thereof as may be necessary.

For the actual and necessary traveling expenses of the assistant superintendents of public works, in the performance of their official duty, one thousand five hundred dollars (\$1,500), or so much thereof as may be necessary; and for additional clerk hire, and necessary and incidental office expenses of the superintendent and assistant superintendents of public works, collectors and inspectors, nine thousand five hundred dollars (\$9,500), or so much thereof as may be necessary.

For the actual and necessary traveling expenses of the superintendent in the performance of his official duty, two thousand dollars (\$2,000), or so much thereof as may be necessary, and of the deputy superintendent of public works, one thousand dollars (\$1,000), or so much thereof as may be necessary.

For the salaries:

of seventeen section superintendents, twenty-six thousand dollars (\$26,000);

tenth grade, one employee, two thousand two hundred dollars (\$2,200);

ninth grade, one employee, two thousand dollars (\$2,000);

of the collectors and compilers of statistics relating to the trade and tonnage of the canals during the season of navigation, eight thousand twenty-five dollars (\$8,025), comprising two collectors at one hundred twenty-five dollars each per month, five collectors at one hundred dollars each per month, and four collectors at eighty dollars each per month;

collectors, clerks and inspectors and measurers of boats, seven thousand two hundred thirty-eight dollars (\$7,238), comprising three clerks at eighty dollars each per month, five clerks at seventy-five dollars each per month, and five clerks at seventy dollars each per month.

For the payment of the expenses of lock-tending and the ordinary repairs of the canals of the state, eight hundred thousand dollars (\$800,000), or so much thereof as may be necessary.

For the compensation of gate tenders of the state dams upon the Beaver and Moose rivers, as provided by chapter one hundred sixty-eight, laws of eighteen hundred ninety-four, one thousand one hundred dollars (\$1,100), or so much thereof as may be necessary, to be paid by the comptroller on the certificate of the commissioners appointed under said act, or a majority thereof.

#### PAYABLE FROM THE GENERAL FUND.

For the compensation of the tender and for the maintenance and operation of the draw-bridge over Minisceongo creek, Rockland county, five hundred dollars (\$500), or so much thereof as may be necessary, on the certificate of the superintendent of public works.

For the operation, maintenance and repair of the draw-bridge known as Drake's draw-bridge, spanning Wappinger creek, in the village of New Hamburg, county of Dutchess, as provided by chapter two hundred thirty-nine, laws of eighteen hundred ninety-two, four hundred dollars (\$400), or so much thereof as may be necessary.



## STEAM VESSEL INSPECTION.

For the salaries of the inspectors of steam vessels, six thousand dollars (\$6,000).

For their necessary traveling expenses, and for the supplies necessary for the performance of said duties, two thousand dollars (\$2,000), or so much thereof as may be necessary, pursuant to chapter five hundred ninety-two, laws of eighteen hundred ninety-seven.

## PUBLIC SERVICE COMMISSION, FIRST DISTRICT.

For the salaries:

of the commissioners, seventy-five thousand dollars (\$75,000);  
counsel to the commission, ten thousand dollars (\$10,000);  
secretary to the commission, six thousand dollars (\$6,000).

## PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

For the salaries:

of the commissioners, seventy-five thousand dollars (\$75,000);  
counsel to the commission, six thousand dollars (\$10,000);  
secretary to the commission, six thousand dollars (\$6,000);

of the employees according to grade:

twelfth grade, ten employees, forty thousand dollars (\$40,000);

eleventh grade, nine employees, twenty-five thousand dollars (\$25,000);

ninth grade, eight employees, sixteen thousand dollars (\$16,000);

eighth grade, five employees, nine thousand dollars (\$9,000);

seventh grade, twelve employees, seventeen thousand dollars (\$17,000);

sixth grade, twenty-five employees, thirty thousand dollars (\$30,000);

fifth grade, twenty employees, eighteen thousand dollars (\$18,000);

fourth grade, six employees, four thousand three hundred twenty dollars (\$4,320);  
third grade, three employees, seventeen hundred forty dollars (\$1,740);  
second grade, three employees, fourteen hundred forty dollars (\$1,440);  
first grade, two employees, six hundred ninety-six dollars (\$696).

for the actual and necessary traveling and other expenses and disbursements of the commissioners, counsel to the commission and the secretary, and their officers, clerks, inspectors, experts and other employees incurred or made by them in the discharge of their official duties, twenty-five thousand dollars (\$25,000), or so much thereof as may be necessary.

for printing, office supplies, telephone and telegraph service, expressage, postage, stationery, reporting of hearings, laboratory supplies, books and other necessary and incidental office expenses, thirty thousand dollars (\$30,000), or so much thereof as may be necessary;

for rent of offices, 14 Washington avenue, Albany, of office at Buffalo, fuel and light for same, two thousand two hundred dollars (\$2,200), or so much thereof as may be necessary;

for the salaries of additional employees, which may be required from time to time, their actual and necessary traveling expenses and disbursements, and for contingent and other expenses not otherwise provided for, twenty thousand dollars (\$20,000), or so much thereof as may be necessary.

### QUARANTINE COMMISSIONERS.

For the salaries:

of the commissioners of quarantine, seven thousand five hundred dollars (\$7,500);

of the employees according to grade:

eighth grade, one employee, one thousand eight hundred dollars (\$1,800);

seventh grade, one employee, one thousand five hundred dollars (\$1,500);

sixth grade, two employees, two thousand four hundred dollars (\$2,400);

fifth grade, three employees, two thousand seven hundred dollars (\$2,700);

fourth grade, four employees, two thousand eight hundred eighty dollars (\$2,880);

third grade, two employees, one thousand two hundred dollars (\$1,200);

second grade, two employees, nine hundred sixty dollars (\$960);

superintendent, two thousand five hundred dollars (\$2,500);

master mechanic, one thousand two hundred eighty dollars (\$1,280);

engineer on Swinburne island, one thousand one hundred fifty dollars (\$1,150);

engineer on Hoffman island, one thousand fifty dollars (\$1,050);

engineer on tug, one thousand eighty dollars (\$1,080);

laundryman, Swinburne island, three hundred dollars (\$300);

cook, Swinburne island, two hundred forty dollars (\$240), or so much thereof as may be necessary.

For general repairs and expenses of maintenance, twelve thousand dollars (\$12,000), or so much thereof as may be necessary.

## STATE BOARD OF TAX COMMISSIONERS.

For the salaries:

of the tax commissioners, fifteen thousand dollars (\$15,000);

secretary, three thousand five hundred dollars (\$3,500);

of the employees according to grade:

tenth grade, one employee, two thousand four hundred dollars (\$2,400);

ninth grade, one employee, two thousand dollars (\$2,000);

seventh grade, three employees, four thousand four hundred dollars (\$4,400);

sixth grade, four employees, four thousand dollars (\$4,000);

second grade, one employee, four hundred eighty dollars (\$480), or so much thereof as may be necessary.

For furniture, books, blanks, printing, stationery, messages, postage and transportation of letters, official documents and other matter sent by express or freight, including boxes or covering for same, and other incidental and necessary office expenses, seven thousand dollars (\$7,000), or so much thereof as may be necessary.



For the actual and necessary traveling expenses of the commissioners in the performance of their official duty, one thousand five hundred dollars each (\$4,500), or so much thereof as may be necessary.

For the salaries of six special agents, ten thousand eight hundred dollars (\$10,800), or so much thereof as may be necessary, and the further sum of three thousand five hundred dollars (\$3,500), or so much thereof as may be necessary, for their actual and necessary traveling expenses in the performance of their official duty.

For services and actual and necessary traveling expenses of confidential and expert appraisers of special franchises, the sum of twelve thousand dollars (\$12,000), or so much thereof as may be necessary.

For the salary of a mortgage tax clerk, two thousand five hundred dollars (\$2,500), and the further sum of one thousand dollars (\$1,000), or so much thereof as may be necessary, for his actual and necessary traveling expenses in the performance of his official duty.

For the salaries of two special examiners under the mortgage tax law, three thousand six hundred dollars (\$3,600), or so much thereof as may be necessary.

For the actual and necessary traveling expenses of said examiners incurred by them in the discharge of their official duties, two thousand four hundred dollars (\$2,400), or so much thereof as may be necessary.

#### DEPARTMENT OF WEIGHTS AND MEASURES.

For salaries of:

superintendent, two thousand dollars (\$2,000);

for the actual and necessary traveling expenses incurred in the performance of their official duties, by the superintendent and the inspector, one thousand dollars (\$1,000), or so much thereof as may be necessary;

of the employees according to grade:

sixth grade, two employees, two thousand two hundred dollars (\$2,200);

fourth grade, one employee, seven hundred fifty dollars (\$750), or so much thereof as may be necessary.

For furniture, books, stationery, messages and other office expenses, one thousand five hundred dollars (\$1,500), or so much thereof as may be necessary.

For repairing existing state weights and measures, and for the expenses of sending the same to the national bureau of standards for comparison and correction, and returning the same, including packing and transportation, one thousand dollars (\$1,000), or so much thereof as may be necessary.

### STATE WATER SUPPLY COMMISSION.

For the salaries

of the state water supply commissioners, twenty-five thousand dollars (\$25,000);

consulting engineer, four thousand dollars (\$4,000);

secretary, two thousand five hundred dollars (\$2,500);

of the employees according to grade:

fifth grade, one employec, nine hundred dollars (\$900).

For the actual and necessary traveling expenses of the five commissioners in the performance of their official duty, two thousand one hundred thirty-two dollars sixty-five cents (re. \$2,132.65), which amount is hereby reappropriated from the unexpended balance of appropriation for the same purpose, and the further sum of three hundred sixty-seven dollars thirty-five cents (\$367.35), or so much thereof as may be necessary.

For the actual and necessary traveling expenses of the engineer and secretary, in the performance of their official duty, five hundred dollars (\$500), or so much thereof as may be necessary.

For office rent, one thousand dollars (\$1,000), or so much thereof as may be necessary.

For furniture, books, blanks, printing, stationery, messages, postage and transportation of letters, official documents and other matter sent by express or freight, including boxes or covering for same, janitor service and other necessary incidental office expenses, two thousand dollars (\$2,000), or so much thereof as may be necessary.

### FISCAL SUPERVISOR OF STATE CHARITIES.

For the salaries:

of the fiscal supervisor of state charities, six thousand dollars (\$6,000);

deputy, three thousand five hundred dollars (\$3,500);

chief clerk, two thousand five hundred dollars (\$2,500);

inspector of buildings, heating and lighting, two thousand dollars (\$2,000);  
 confidential inspector, one thousand two hundred dollars (\$1,200);  
 of the employees according to grade:  
 eighth grade, two employees, three thousand six hundred dollars (\$3,600);  
 seventh grade, three employees, four thousand five hundred dollars (\$4,500);  
 fifth grade, three employees, two thousand seven hundred dollars (\$2,700);  
 fourth grade, one employee, seven hundred twenty dollars (\$720);  
 second grade, one employee, four hundred eighty dollars (\$480), or so much thereof as may be necessary.

For the actual and necessary traveling expenses of the fiscal supervisor in the performance of his official duty, one thousand dollars (\$1,000), or so much thereof as may be necessary.

For furniture, books, blanks, printing, messages, traveling expenses of inspectors, and other necessary and incidental office expenses, including the services of a competent person to examine the books, papers and accounts of any institution, as provided in article three of the state charities law, two thousand five hundred dollars (\$2,500), or so much thereof as may be necessary.

For postage and transportation of letters, official documents and other matter sent by express or freight, including boxes or covering for same, two hundred fifty dollars (\$250), or so much thereof as may be necessary.

#### PURCHASING COMMITTEE OF STATE CHARITABLE INSTITUTIONS.

For the salary:

of a secretary, who shall be a stenographer, shall attend to all the office business and correspondence of the purchasing committee of state charitable institutions, shall keep the minutes of the meetings of said committee and shall do the necessary stenographic work of said committee, one thousand two hundred dollars (\$1,200).

For the necessary expenses of the purchasing committee of the state charitable institutions for advertising for proposals, making



chemical analysis, printing, blanks, stationery, and postage, five hundred dollars (\$500), or so much thereof as may be necessary.

## PUBLIC INSTITUTIONS.

### WESTERN HOUSE OF REFUGE FOR WOMEN, ALBION.

For the Western House of Refuge for Women at Albion for the maintenance of the institution and for the transportation of those committed to it, fifty-two thousand dollars (\$52,000), or so much thereof as may be necessary.

### NEW YORK STATE SCHOOL FOR THE BLIND, BATAVIA.

For the maintenance and instruction of the inmates of the State School for the Blind at Batavia, forty-four thousand dollars (\$44,000), or so much thereof as may be necessary.

### NEW YORK STATE SOLDIERS' AND SAILORS' HOME, BATH.

For the New York State Soldiers' and Sailors' Home at Bath, for maintenance and for the transportation of applicants for admission, two hundred seventy-five thousand dollars (\$275,000), or so much thereof as may be necessary.

### NEW YORK STATE REFORMATORY FOR WOMEN, BEDFORD.

For the New York State Reformatory for Women at Bedford, for the maintenance of the institution and for the transportation of those committed to it, seventy thousand dollars (\$70,000), or so much thereof as may be necessary.

### NEW YORK STATE REFORMATORY, ELMIRA.

For the New York State Reformatory at Elmira, for maintenance and ordinary repairs and for the purchase of material and for expenses of manufacturing, two hundred fifty thousand dollars (\$250,000), or so much thereof as may be necessary.

### NEW YORK STATE TRAINING SCHOOL FOR GIRLS, HUDSON.

For the New York State Training School for Girls at Hudson, for the maintenance of the institution and for the transportation of those committed to it, eighty-three thousand dollars (\$83,000), or so much thereof as may be necessary.

## THOMAS INDIAN SCHOOL, IROQUOIS.

For the Thomas Indian School at Iroquois, for maintenance, thirty-one thousand dollars (\$31,000), or so much thereof as may be necessary.

## EASTERN NEW YORK REFORMATORY, NAPANOCH.

For the Eastern New York Reformatory at Napanoch, for maintenance, one hundred thousand dollars (\$100,000), or so much thereof as may be necessary.

## NEW YORK STATE CUSTODIAL ASYLUM, NEWARK.

For the New York State Custodial Asylum for Feeble-Minded Women at Newark, for maintenance and for other necessary expenses, ninety thousand dollars (\$90,000), or so much thereof as may be necessary.

## NEW YORK STATE WOMAN'S RELIEF CORPS HOME, OXFORD.

For the New York State Woman's Relief Corps Home at Oxford, for maintenance, thirty-eight thousand dollars (\$38,000), or so much thereof as may be necessary.

## NEW YORK HOUSE OF REFUGE, RANDALL'S ISLAND.

For the Society for the Reformation of Juvenile Delinquents in the city of New York, for maintenance and rewards to inmates and repairs and betterments of tools and equipment and furniture, and for necessary tools to properly conduct the trade school and common schools and military system and photographing of inmates, one hundred fifty-six thousand dollars (\$156,000), or so much thereof as may be necessary.

## NEW YORK STATE HOSPITAL FOR TUBERCULOSIS, RAY BROOK.

For the New York State Hospital for the Treatment of Incipient Pulmonary Tuberculosis at Ray Brook, for the maintenance of the institution, ninety thousand dollars (\$90,000), or so much thereof as may be necessary.

## STATE AGRICULTURAL AND INDUSTRIAL SCHOOL, INDUSTRY.

For the State Agricultural and Industrial School at Industry, for the maintenance of and rewards to inmates, and repairs and

betterments of tools, equipment and furniture, and for necessary tools to conduct the trade schools and common schools and military system and photographing of inmates, one hundred seventy thousand dollars (\$170,000), or so much thereof as may be necessary.

ROME STATE CUSTODIAL ASYLUM, ROME.

For the Rome State Custodial Asylum, for maintenance, one hundred sixty-eight thousand dollars (\$168,000), or so much thereof as may be necessary.

CRAIG COLONY FOR EPILEPTICS, SONYEA.

For the Craig Colony for Epileptics at Sonyea, for the maintenance of the institution, two hundred thousand dollars (\$200,000), or so much thereof as may be necessary.

SYRACUSE STATE INSTITUTION FOR FEEBLE-MINDED CHILDREN.

For the Syracuse State Institution for Feeble-Minded Children, for maintenance, ninety thousand dollars (\$90,000), or so much thereof as may be necessary.

NEW YORK STATE HOSPITAL FOR THE CARE OF CRIPPLED AND DEFORMED CHILDREN, WEST HAVERSTRAW.

For the New York State Hospital for the Care of Crippled and Deformed Children at West Haverstraw, for maintenance, twenty thousand dollars (\$20,000), or so much thereof as may be necessary.

OTHER CHARITABLE AND EDUCATIONAL INSTITUTIONS.

NEW YORK INSTITUTION FOR THE BLIND.

For the support and instruction of one hundred eighty pupils at the New York Institution for the Blind, in addition to the sum of eleven thousand five hundred fifty-one dollars and twenty-seven cents (re. \$11,551.27), remaining unexpended of appropriations heretofore made therefor, which is hereby reappropriated for the current and the next fiscal years, the further sum of thirty-eight thousand four hundred forty-eight dollars and seventy-three cents (\$38,448.73), or a proportionate amount for a shorter period of time than one year, or for a smaller number of pupils, as shall be duly verified by the affidavits of the president and secretary of the institution.



## DEAF AND DUMB.

For the support and instruction of two hundred seventy-five pupils at the Institute for the Deaf and Dumb, in New York City, the sum of eighty-seven thousand three hundred seventy-five dollars (\$87,375).

For the support and instruction of one hundred twenty pupils at the Institution for the Improved Instruction of Deaf-Mutes in New York City, in addition to the sum of three thousand three hundred forty-seven dollars and twenty-two cents (re. \$3,347.22), remaining unexpended of appropriations heretofore made therefor, which is hereby reappropriated for the current and the next fiscal years, the further sum of thirty-five thousand five hundred fifty-two dollars and seventy-eight cents (\$35,552.78).

For the support and instruction of one hundred ten pupils at the Le Couteux Saint Mary's Institution for the Improved Instruction of Deaf-Mutes, at Buffalo, in addition to the sum of eleven thousand thirty-four dollars and seventy-one cents (re. \$11,034.71), remaining unexpended of appropriations heretofore made therefor, which is hereby reappropriated for the current and next fiscal years, the further sum of twenty-three thousand nine hundred sixty-five dollars and twenty-nine cents (\$23,965.29).

For the support and instruction of one hundred and fifteen pupils at the Central New York Institution for the Improved Instruction of Deaf-Mutes, at Rome, in addition to the sum of thirteen thousand ninety-one dollars and seventy-six cents (re. \$13,091.76), remaining unexpended of appropriations heretofore made therefor, which is hereby reappropriated for the current and the next fiscal years, the further sum of twenty-four thousand two hundred eighty-three dollars and twenty-four cents (\$24,283.24).

For the support and instruction of sixty-five pupils at the Northern New York Institution for Deaf-Mutes, at Malone, in addition to the sum of six thousand four hundred sixty-seven dollars and eleven cents (re. \$6,467.11), remaining unexpended of appropriations heretofore made therefor, which is hereby reappropriated for the current and the next fiscal years, the further sum of thirteen thousand five hundred thirty-two dollars and eighty-nine cents (\$13,532.89).

For the support and instruction of two hundred forty pupils at Saint Joseph's Institution for the Improved Instruction of Deaf-Mutes at West Chester, in addition to the sum of six thousand

two hundred eleven dollars and sixty cents (re. \$6,211.60), remaining unexpended of appropriations heretofore made therefor, which is hereby reappropriated for the current and the next fiscal years, the further sum of sixty-eight thousand seven hundred eighty-eight dollars and forty cents (\$68,788.40).

For the support and instruction of twenty-five pupils at the Albany Home School for the Deaf, in addition to the sum of four hundred seventy-five dollars and fifteen cents (re. \$475.15), remaining unexpended of appropriations heretofore made therefor, which is hereby reappropriated for the current and the next fiscal years, the further sum of seven thousand six hundred forty-nine dollars and eighty-five cents (\$7,649.85).

For the support and instruction of one hundred fifteen pupils at the Western New York Institution, at Rochester, for the improved instruction of deaf-mutes, the sum of thirty-seven thousand three hundred seventy-five dollars (\$37,375).

The amount hereby appropriated for the several institutions for the support and instruction of deaf-mutes is at the rate of three hundred dollars per capita for a school year of not less than forty weeks and a proportionate amount for a shorter period of time than one school year, or for a smaller number of pupils in each case, and shall be allowed in each of the last eight items, and paid by the comptroller, upon certificate verified by oath of the president and secretary, or other officer designated by law, of such institution, and upon the approval of the commissioner of education.

## MISCELLANEOUS.

### COUNTY TREASURERS.

For advances to county treasurers on account of taxes on property of non-residents, and for taxes on state, wild or forest lands which may be returned to the comptroller's office, and for adjusting accounts of state taxes with counties, fifty-five thousand dollars (\$55,000), or so much thereof as may be necessary.

### REDEMPTION OF LANDS.

The sum of two thousand dollars (re. \$2,000), being a portion of the unexpended balance of appropriation made by chapter five hundred seventy-eight, laws of nineteen hundred seven, for repayment of money to purchasers upon redemption of lands sold for taxes, is hereby reappropriated for the same purpose.

## REFUND OF TAXES.

The sum of two thousand dollars (re. \$2,000), being a portion of the unexpended balance of appropriation made by chapter five hundred seventy-eight, laws of nineteen hundred seven, for repayment of money to purchasers upon redemption of lands sold for taxes, is hereby reappropriated for repayment of money erroneously paid into the treasury for taxes.

## INDIAN AFFAIRS.

For the payment of the annuities to the several Indian tribes, as follows:

To the Onondagas, two thousand four hundred thirty dollars (\$2,430);

Cayugas, two thousand three hundred dollars (\$2,300);

Senecas, five hundred dollars (\$500);

Saint Regis, two thousand one hundred thirty-one dollars and sixty-seven cents (\$2,131.67).

For the relief of the Onondaga Indians, three hundred dollars (\$300).

For compensation of the agent of the Onondaga Indians, two hundred dollars (\$200).

For compensation of the agent of the Onondaga Indians, pursuant to chapter one hundred seventy-eight, laws of eighteen hundred forty-seven and chapter six hundred thirty-five, laws of eighteen hundred sixty-nine, sixty-five dollars (\$65).

For compensation of the agent of the Onondaga Indians, residing on the Allegany and Cattaraugus reservation, one hundred fifty dollars (\$150).

For compensation of the attorney of the Saint Regis Indians, one hundred fifty dollars (\$150).

For compensation of the attorney of the Seneca Indians, one hundred fifty dollars (\$150).

For compensation of the attorney of the Tonawanda band of Seneca Indians, one hundred fifty dollars (\$150).

## VARIOUS.

For the lieutenant-governor and the speaker of the assembly, for their actual and necessary traveling expenses in the performance of their duties upon the several boards of which they are members, five hundred dollars each (\$1,000), or so much thereof as may be necessary.



For supplying states on exchange with reports of the court of appeals and the supreme court, pursuant to section twenty-seven of the executive law, five hundred dollars (\$500), or so much thereof as may be necessary.

For the trustees of Washington's headquarters, at Newburgh, for compensation of the superintendent, and for the care, maintenance, repairs and improvements of the grounds, one thousand dollars (\$1,000), or so much thereof as may be necessary.

For the salary of the custodian and care-taker of the state reservation at Stony Point, six hundred dollars (\$600), or so much thereof as may be necessary, payable monthly.

For the expenses of the board of port wardens of the port of New York, pursuant to chapter one hundred forty-two, laws of eighteen hundred ninety-one, four thousand five hundred dollars (\$4,500), or so much thereof as may be necessary.

For salary of janitor of the Saratoga monument, six hundred dollars (\$600), as provided by chapter five hundred fifty-five, laws of eighteen hundred ninety-five.

For care and maintenance of Grant cottage, as provided by chapter six hundred sixty-seven, laws of eighteen hundred ninety-six, one thousand dollars (\$1,000), or so much thereof as may be necessary.

§ 2. The several amounts herein appropriated shall be paid by the treasurer from the respective sums as specified, pursuant to the requirements of the state finance law, and it shall be the duty of the treasurer to report annually to the legislature the detail of the several expenditures. The salary or compensation of any officer or employee, when not prescribed by law, for which an appropriation is made by this act, may be fixed by the department, official or officials appointing such officer, or employing such employee, at a less, but not a greater sum than the amount herein appropriated for the salary or compensation of such officer or employee. No appropriation herein contained shall be available for the salary or compensation of any regular officer or employee whose employment or office is not herein specified unless his appointment or employment is expressly authorized, and except as otherwise herein expressly provided, the appropriations made in this act for traveling expenses of officers or employees are for actual and necessary expenses only, in the performance of official duty and to be paid upon proper proof thereof, as required by section twelve of the state finance law, and no other or further or fixed allowance for expenses shall be granted or paid, anything in any other statute to the contrary notwithstanding.

The appropriations made in this act for the salaries of employees by grades are intended to refer to such grades as established by, and in accordance with, chapter five hundred twenty-one, laws of nineteen hundred one, and such appropriations shall be available for the salaries of employees in any grade lower than the one specified in the appropriation act.

A manager, trustee or officer of any state charitable or other institution receiving moneys under this act from the state treasury, for maintenance and support, shall be entitled to actual and necessary traveling expenses only when attending meetings of the board at the office of the institution or in the performance of other official duties undertaken pursuant to a resolution of the board of managers of which he is a member and with the approval of the fiscal supervisor of state charities.

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(No. 9.)

AN ACT to amend the personal property law and the real property law, in relation to the time when the supreme court shall have jurisdiction over gifts for charitable, religious, educational and benevolent uses.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Subdivision two of section twelve of chapter forty-five of the laws of nineteen hundred and nine, entitled "An act relating to personal property, constituting chapter forty-one of the consolidated laws," is hereby amended to read as follows:

2. The supreme court shall have control over gifts, grants[.] and bequests in all cases provided for by subdivision one of this section, and, whenever it shall appear to the court that circumstances have so changed since the execution of an instrument containing a gift, grant[.] or bequest to religious, educational, charitable or benevolent uses as to render impracticable or impossible a literal compliance with the terms of such instrument, the court may, upon the application of the trustee or of the person or corporation having the custody of the property, and upon such notice as the court shall direct, make an order directing that such gift, grant[.] or bequest shall be administered or expended in such manner as in the judgment of the court will most effectually accomplish the general purpose of the instrument, without regard to and free from any specific restriction, limitation or direction

contained therein; provided, however, that no such order shall be made [until the expiration of at least twenty-five years after the execution of the instrument or] without the consent of the donor or grantor of the property, if he be living.

§ 2. Subdivision two of section one hundred and thirteen of chapter fifty-two of the laws of nineteen hundred and nine, entitled "An act relating to real property, constituting chapter fifty of the consolidated laws," is hereby amended to read as follows:

2. The supreme court shall have control over gifts, grants[.] and devises in all cases provided for by subdivision one of this section, and whenever it shall appear to the court that circumstances have so changed since the execution of an instrument containing a gift, grant[, ] or devise to religious, educational, charitable or benevolent uses as to render impracticable or impossible a literal compliance with the terms of such instrument, the court may, upon the application of the trustee or of the person or corporation having the custody of the property, and upon such notice as the court shall direct, make an order directing that such gift, grant[, ] or devise shall be administered or expended in such manner as in the judgment of the court will most effectually accomplish the general purpose of the instrument, without regard to and free from any specific restriction, limitation or direction contained therein; provided, however, that no such order shall be made [until the expiration of at least twenty-five years after the expiration of the instrument or] without the consent of the donor or grantor of the property, if he be living.

§ 3. This act shall take effect immediately.

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(No. 10.)

AN ACT making an appropriation for the Rome State Custodial Asylum.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. The sum of one hundred and sixty-five thousand dollars (\$165,000) or so much thereof as may be necessary, is hereby appropriated from any moneys in the state treasury not otherwise appropriated, for the Rome State Custodial Asylum and for the construction of a building for the institution staff, and for the construction of ward buildings to replace building "B,"



destroyed by fire, said ward buildings to include a dormitory with accommodations for 250 inmates, one wing of which shall be utilized for hospital purposes.

§ 2. The work authorized by this act shall be done pursuant to section forty-nine of chapter fifty-seven of the laws of nineteen hundred and nine, entitled "An act relating to state charities, constituting chapter fifty-five of the consolidated laws."

§ 3. This act shall take effect immediately.

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(No. 11.)

AN ACT to amend the highway law, in relation to acquisition of toll roads and bridges.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Sections three hundred and thirty-eight and three hundred and forty-two of chapter thirty of the laws of nineteen hundred and nine, entitled "An act relating to highways, constituting chapter twenty-five of the consolidated laws," are hereby amended to read, respectively, as follows:

§ 338. Acquisition of plank roads.— The board of supervisors of any county, except a county wholly within the city of New York, and except the counties of Erie and Essex, and also except when such bridge extends between the State of New York and a foreign country, may by a vote of a majority of the members thereof, by resolution, determine to acquire the rights and franchises of any individual or corporation, lawfully entitled to exact toll or charge for walking, riding or driving over any plank road or turnpike, or a bridge *wholly or partly* within such county, erected over an unnavigable stream, or over the Hudson river above Waterford. Upon the adoption of such resolution, the board of supervisors shall acquire such rights, franchises and property by purchase, if able to agree with the owners thereof, and otherwise by condemnation in the name of the county, *in case such plank road, turnpike or bridge shall be wholly within such county. In case the rights, franchises and property to be acquired shall be or relate to a plank road, turnpike or bridge having its terminals in two counties, the board of supervisors of either county, may upon the passage of a resolution, by a vote of the majority of the members thereof, apply to the supreme court upon*

ten days' notice to the board of supervisors of the other county in which such plank road, turnpike or bridge shall rest, and to the owners of such franchises and property, for an order granting leave to acquire such franchises and property by condemnation, for the public use. If upon such application the court shall be satisfied that such property is reasonably required for public use, it shall grant an order permitting condemnation thereof for the use of the public, and the petitioning board of supervisors may thereupon take proceedings for the condemnation of said property as provided by the condemnation law. In case the court shall grant an order permitting condemnation of such property, and the owner of such property shall thereafter agree with the boards of supervisors of both such counties to receive a specified sum in full payment for such property, the owner may convey such property to such counties accordingly, and such agreed purchase price shall be paid by said counties and towns in the proportions in this chapter specified to be paid by them in case of condemnation of said property. Any turnpike, plank road or bridge corporation may by the affirmative vote of stockholders owning a majority of the stock thereof, expressed in writing, or at a special meeting of the stockholders of such corporation held upon written notice of at least ten days to all the stockholders thereof, authorize its board of directors or trustees, to dispose of the rights, franchises and property of such corporation within a county or counties, pursuant to this chapter for a specified sum; and thereupon the board of directors or trustees of such corporation may convey and sell such rights, franchises and property to the county or counties accordingly.

§ 342. When road is in two or more counties.—When a plank road, turnpike, toll road or bridge is partly in one county and partly in another, the boards of supervisors of said counties shall in case of purchase thereof by agreement, act together in the manner prescribed above, and determine the amount to be paid to said plank road, turnpike, toll road or bridge company, by each county, and such amount against each county, after such determination, shall be paid by each county. But in case of condemnation of any such bridge property upon the petition of one of such counties, the expense thereof shall be paid by the counties and towns in which such bridge is located, in the proportions provided by the highway law, for the construction and maintenance of bridges over streams between adjoining towns or counties.

§ 2. This act shall take effect immediately.

(No. 12.)

AN ACT to amend the town law, in relation to dogs and repealing article seven of the county law.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Chapter sixty-three of the laws of nineteen hundred and nine, entitled "An act relating to towns, constituting chapter sixty-two of the consolidated laws," is hereby amended by adding at the end thereof a new article to be article thirty-three thereof, to read as follows:

## ARTICLE 33.

## Dogs.

Section 600. Dogs to be registered; who deemed owner; liability.

601. Application for registration; by whom and where made.

602. Registration fee; exceptions, metal tags.

603. Time of registration; penalty; duty of clerk.

604. Duty of assessors; penalty for neglect.

605. Kennel registration; exception.

606. Funds; custody; payments; clerk's fees.

607. Animals killed; procedure.

608. Idem; when owner of dogs known.

609. Assessors, compensation of.

610. Dogs chasing animals to be destroyed; procedure.

§ 600. Dogs to be registered; who deemed owner; liability. — Every dog over three months of age shall be registered by the owner or his authorized agent with the clerk of the town where such dog is kept or harbored, and the fee charged for such registration shall constitute a tax upon such dog. Every person who keeps or harbors a dog or who permits the keeping or harboring of a dog upon his or her premises, shall, for the purpose of such registration and taxation be deemed the owner thereof, and any claim existing on account of failure to register any dog, shall be a lien upon the real estate where such dog or dogs are harbored and shall be enforced and collected as herein provided.

§ 601. Application for registration, by whom and where made. — Application for registration of any dog shall be made by the owner, or his authorized agent, upon printed forms furnished by the clerk of the town where such dog or dogs are owned or harbored, and such items of information, including age, sex or mark-



ings, as are required by such printed forms must, for the purpose of identification, be furnished in full by the person making application for such registration; such application to remain on file with the clerk of the town for at least two years next succeeding the date of such application.

§ 602. Registration fee, exceptions; metal tags. Subdivision 1.—The registration fee for each male dog shall be one dollar. The registration fee for each female dog shall be three dollars. The registration fee for each spayed female dog shall be one dollar, provided the application for such registration be accompanied by the affidavit of a properly qualified veterinary surgeon setting forth that he has properly spayed such female dog. A copy of such affidavit shall be placed on file with the application for registration. The owner of any female dog born and spayed previous to the time this act shall take effect may, upon the affidavit of the applicant that such female dog has been properly spayed by a veterinary surgeon whose name and address, or both, is unknown, register such dog upon the payment of a fee of one dollar.

2. Upon the filing of the application and payment of registration fees, as herein provided, the clerk of the town where such dog is owned or harbored, shall issue a metal tag, with a number corresponding with the number of the application, and such tag shall be worn at all times during the year of registration by the dog so registered.

§ 603. Time of registration; penalty; duty of clerk; impounding and fees therefor; redemption. Subdivision 1.—All dogs shall be registered as hereinbefore set forth, during the month of January in each year. If not so registered within the month of January such dog may be registered during the month of February upon payment of two dollars for each male and spayed female dog and six dollars for each female dog not spayed.

2. Every dog, not registered as herein provided, shall be deemed, and is hereby declared to be a public nuisance and it shall be the duty of every peace officer in such town to seize such unregistered dog and impound the same in a place provided by such town for such purpose. Such dog shall be kept in such pound for forty-eight hours and if not called for and redeemed by the owner, or other person, shall, at the expiration of such period, be destroyed. The absence of the tag provided for in section one hundred and twelve of this chapter shall be presumptive evidence that such dog is not registered as herein provided.

3. The town board of each town shall fix the fees to be charged by each peace officer for seizing and impounding such dog and claims therefor shall be audited and paid as other town accounts are audited and paid. If any dog shall be impounded as herein provided, the owner, or any other person may, within the time prescribed, on procuring such dog to be registered and on payment of the proper fee therefor as herein provided and on payment of the fee for impounding such dog, as established by such town board secure the release of such dog. If such dog be redeemed by any person other than the true owner, such owner may, upon proof of ownership and repayment of the amount so paid for redemption and reasonable charges for keeping, recover possession of such dog from the person so redeeming the same.

§ 604. Duty of assessors; penalty for neglect.— The assessors of every town or district shall at the time of making their annual assessment of property enter upon the assessment-roll of such town, in a column prepared for that purpose opposite the name of every person assessed, and also opposite the name of every resident inhabitant not otherwise assessed, who is the owner or keeper of any dog, or on whose premises any dog is harbored, the number and sex of any dog by him owned or harbored, and for the purpose of obtaining such information such assessors, or either of them, may administer oaths and may examine under oath any person or persons having knowledge of the facts. The owner, possessor or keeper of any dog shall when required by such assessors, deliver to them in writing a statement signed and verified, stating the number and sex of any dog owned or harbored by him, whether one or more, and for any refusal or neglect to do so, or for any false statement made in respect thereto, he shall incur a penalty of five dollars, to be recovered with costs before any justice of the peace having jurisdiction in the municipality and the money collected therefor shall be paid to the supervisor of the town to be added to the fund collected for registration of dogs; and any assessor who when assessing property, shall negligently fail or omit to furnish such list of dogs so kept, shall suffer a penalty of not less than twenty-five dollars nor more than seventy-five dollars, to be collected by action before any justice of the peace of said municipality; and the amount so collected shall be added to the fund collected for registration of dogs in such town.

§ 605. Kennel registration; exception.— Any kennel of pure bred dogs may be registered as a whole, upon payment of a fee of

twenty dollars, providing all breeding stock in such kennel over six months old shall have been registered in the American Kennel Club stud book, and certificates of such registration be filed with the town clerk at the time of registration of such individual kennel in his office. Individual dogs composing such kennel shall be harbored only upon the promises of the owner or firm registering them. Such kennel shall have a number assigned, and each individual dog composing such kennel shall wear a metal tag with such number stamped thereon. In case any individual dog, either male or female, belonging to such kennel is harbored elsewhere, it shall be registered and taxed as a single animal.

§ 606. Funds; custody; payments; clerk's fees.—All funds collected and in the custody of the supervisor shall be used:

1. For payment of fees of town clerks for registration of dogs. Each town clerk shall be entitled to receive twenty-five cents for the registration of each single male or female dog, and one dollar for each kennel.

2. For printing blanks, metal tags and other necessary items of expense.

3. For damages sustained through the killing or injuring of any sheep, lambs, Angora goats, horses, cattle or swine.

§ 607. Animals killed; procedure.—Any person who shall suffer damage by the killing or injuring of sheep, lambs, Angora goats, horses, cattle or swine by any dog, whether such dog be registered or unregistered shall present a detailed account of the injury done, with damages claimed therefor, verified by his affidavit, to two assessors of the township where such damage or injury occurred, and upon examination of such killed or injured sheep, lambs, Angora goats, horses, cattle or swine by such assessors, they shall report to the supervisor of the town as to the nature and amount of damage or injury done to the property of such person, setting forth the fact that they have personally visited the premises where such damage or injury occurred; that after diligent inquiry they have been able or unable, as the case may be, to learn what dog or dogs caused such damage, and they shall also file with the supervisor of such town a statement showing: (first) that the sheep, lambs, Angora goats, horses, cattle or swine were owned by the person or persons claiming such damages; (second) that the sheep, lambs, Angora goats, horses, cattle or swine were killed or injured by a dog or dogs; (third) that the owner or owners of the dog or dogs have not been ascertained, or, if ascertained, the



names of such owners; (fourth) giving number of sheep, lambs, Angora goats, horses, cattle or swine killed, with their value; (fifth) the number of sheep, lambs, Angora goats, horses, cattle or swine injured, with the amount of damages sustained by the owner through such injury, and upon the filing of such report by such assessors with the supervisor of the town, such supervisor shall furnish the owner of such animal or animals with a copy of such statement and an order drawn upon such supervisor for the payment of all damages sustained on account of the killing or injuring of such sheep, lambs, Angora goats, horses, cattle or swine. Any person deeming himself aggrieved may, within twenty days from the date of such order, appeal to the county court from the findings of such assessors and on such appeal the court may hear such proofs and make such orders in the premises as justice may require.

§ 608. *Idem*; where owner of dog known.—In any case, where any sheep, lambs, Angora goats, horses, cattle or swine have been killed or injured by dogs and the name of the owner of or the person harboring such dog is known or where the name of such owner or person harboring such dog is subsequently ascertained, it shall be the duty of the supervisor of such town to serve a copy of the statement provided for in section six hundred and seven of this chapter upon such owner or, where there are two or more owners, upon each such owner, together with a statement that the amount so awarded as damages has been paid, or that on the decision from an appeal from such award an amount therein named has been awarded as damages and has been or will be paid, and directing such owner or owners within ten days from the date of such service to repay to such town the amount of such award together with the expense of making the same and the costs allowed and taxed on such appeal, if any, the amount of which shall be stated. In case the owner or owners shall fail or refuse to pay the same within the time limited such award or such award as modified on such appeal, together with expenses incident to the making thereof and the costs of such appeal, if any, may be recovered by such supervisor in any court of competent jurisdiction, in an action brought by him in the name of such town.

§ 609. Assessors, compensation of.—The compensation of assessors for examining into the facts and circumstances and fixing the amount of damages on account of killing or injuring of such sheep, lambs, Angora goats, horses, cattle or swine shall be the same per day, or fraction thereof, as they receive for making

assessments, together with fees for mileage actually incurred in the discharge of such duties.

§ 610. Dogs chasing animals to be destroyed; procedure.—Any dog found in the act of or shown to have been chasing, maiming or annoying any sheep, lambs, Angora goats, horses, cattle or swine is hereby declared a public nuisance, and upon complaint being made before a justice of the peace in the town where such dog is kept or harbored, and upon notice to the owner or person harboring such dog and proof of the facts, such justice of the peace shall, in a proper case, issue an order to any peace officer of said town to destroy such dog or dogs forthwith.

§ 2. Article seven, consisting of sections one hundred and ten to one hundred and thirty-six, both inclusive, of chapter sixteen of the laws of nineteen hundred and nine, entitled "An act in relation to counties, constituting chapter eleven of the consolidated laws," is hereby repealed.

§ 3. This act shall take effect immediately.

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(No. 13.)

AN ACT to amend the penal law, in relation to mining corporations and the officers thereof.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Chapter . . . . of the laws of nineteen hundred and nine, entitled "An act providing for the punishment of crime, constituting chapter forty of the general laws," is hereby amended by inserting therein a new article to be article one hundred and forty-three thereof and to read as follows:

ARTICLE 143.

MINING CORPORATIONS AND OFFICES.

Section 1490. Mining corporations to file statement before offering stock for sale.

1491. Form of statement; fee for filing.

1492. Punishment for violation of preceding sections:

1493. False or misleading statements or representations.

Section 1490. Mining corporations to file statement before offering stock for sale.—No shares or certificates of stock in any mining corporation incorporated under the laws of this state, or any

state, province, country or government, shall be sold or offered for sale within this state by such corporation, or by any person, firm, association or corporation acting as agent, representative, attorney or broker for such corporation, until such corporation shall have filed in the office of the secretary of state a statement, showing the financial condition of such corporation; the location of the mine or mines, owned by such corporation, with the plans of the same; the amount of work done thereon; the amount of cash expended for improvements thereon and the condition of the plant and machinery connected therewith. Such statement shall be signed by the president, secretary and treasurer of such corporation and shall be verified by the oath of each of such officers to the effect that the same is in all respects true.

§ 1491. Form of statement; fee for filing.— The statement provided for in section fourteen hundred and ninety of this chapter shall be in substantially the following form:

## STATEMENT

## OF THE

....., a corporation organized under the laws of the state of ..... and operating ..... mines located in the town of ....., county of ....., state of .....

## I.

1. Amount of authorized capital stock .....
2. Amount of capital stock issued .....
3. Amount of capital stock held by corporation .....
4. Amount of capital stock issued in payment of property ...  
.....
5. Amount of capital stock sold for cash .....
6. Amount of cash received in payment for stock .....
7. Value and description of property received in payment for stock .....
8. Amount of debts or liabilities in
  - a. Bonds (stating rate of interest, and time at which bonds fall due) .....
  - b. Other indebtedness .....
9. Amount of cash on hand .....



- 10. Amount of credits and estimated value thereof:
  - a. Notes . . . . .
  - b. Bills receivable . . . . .
  - c. Accounts receivable . . . . .
- 11. Present value of property of corporation . . . . .
- 12. Number and amounts of dividends declared . . . . .
- 13. Rate of last dividend, and date when same was declared and paid . . . . .

II.

- 1. Location of properties owned (to be accompanied by plans of the same) . . . . .
- 2. Amount of work done on the property, showing extent of development . . . . .
- 3. Amount of cash expended for improvements on said properties . . . . .
- 4. Description of plant and machinery, and their present condition . . . . .
- Dated at . . . . . this . . . . . day of . . . . ., 190..

. . . . .,  
President,  
. . . . .,  
Secretary,  
. . . . .,  
Treasurer,

State of . . . . . }  
County of . . . . . } ss.:

On this . . . . . day of . . . . ., 190.., personally appeared . . . . ., president, . . . . ., secretary, and . . . . ., treasurer of the . . . . . and who being by me duly sworn did each for himself depose and say that the foregoing statement by them signed is in all respects correct, true and accurate.

. . . . .,  
Notary Public.

A fee of twenty-five dollars for filing such statement, shall be paid to the secretary of state by such corporation, at the time such statement is presented for filing. The secretary of state shall provide and keep in his office and open to public inspection a docket with appropriate blanks and indices, and to forthwith as soon as the statement provided for in this article is filed in his office, enter

therein the name of the corporation filing the same, together with a copy of the statement.

§ 1492. Punishment for violation of preceding sections.— Any corporation or officer or agent thereof, or any broker, selling or offering for sale shares or certificates of stock in any mining corporation for such corporation which has not filed the statement in accordance with the provisions of the preceding sections of this article is guilty of a misdemeanor, and in addition thereto shall forfeit to the people of the state the sum of one thousand dollars for each offense, to be recovered in an action to be brought by the attorney-general. The secretary of state shall report to the attorney-general at least once in three months the names of all agents, corporations or brokers who to his knowledge are engaged in behalf of a mining corporation in the sale of shares or certificates of stock in such mining corporation which have failed to comply with the preceding provisions of this article. The moneys forfeited by this section, when recovered, shall be paid into the state treasury, except, that where the fact of a violation of the preceding sections of this article is brought to the knowledge of the attorney-general by a person other than a person holding a public office within this state, one-half of the moneys recovered for a violation of this article shall be paid to such person so furnishing the information and knowledge of such violation to the attorney-general as aforesaid.

§ 1493. False or misleading statements or representations.— Any officer of a mining corporation who in making the statement prescribed by sections fourteen hundred and ninety and fourteen hundred and ninety-one of this article wilfully makes any statement which he knows to be false, is guilty of a misdemeanor. Any superintendent, director, secretary, manager, agent or other officer of any mining corporation formed or existing under the laws of this state, or transacting business in the same, or any person pretending or holding himself out as such superintendent, director or secretary, manager, agent or other officer, or any other person, although not connected with such corporation as an officer thereof; who shall wilfully subscribe, sign, endorse, verify or otherwise assent to the publication, either generally or privately, to the stockholders or other persons dealing with such corporation or its stock, any untrue or wilfully or fraudulently exaggerated report, prospectus, account, statement of operations, values, business, profits, expenditures or prospects, or other paper or document intended

to produce or give or having a tendency to produce or give to the shares of stock in such corporation a greater value or less apparent or market value than they really possess, or with the intention of defrauding any particular person or persons generally, shall be guilty of a felony.

§ 2. This act shall take effect September first, nineteen hundred and nine.

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(No. 14.)

AN ACT to amend the Greater New York charter, in relation to the purchase by the city of New York of awards in condemnation proceedings.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Chapter twenty-one of the Greater New York charter, as re-enacted by chapter four hundred and sixty-six of the laws of nineteen hundred and one, is hereby amended by inserting therein a new section, to be known as section fourteen hundred and thirty-six-d, to read as follows:

§ 1436-d. In any proceeding heretofore or hereafter instituted pursuant to any of the provisions of this statute, to wit, the Greater New York charter, or pursuant to the provisions of any other statute providing for the acquisition of title to real estate, or any tenements, hereditaments, corporeal or incorporeal rights or interests in the same by the city of New York, in which title thereto shall have become vested in the said city of New York prior to the confirmation of the report of the commissioners in such proceedings, the board of estimate and apportionment shall have power, and is hereby authorized to purchase on behalf of said city of New York, from the individuals or corporations who were the owners of said property at the date of the vesting of title thereto in said city, or from their successors in interest or legal representatives, their right and title to the award or awards or any part thereof to be made in said proceeding and to take an assignment thereof to said city of New York. If such owner or owners or their successors in interest or legal representatives shall have transferred or assigned such claim, such transfer or assignment made by the said owner or owners or by their successors in interest or legal representatives shall not become binding upon the city of New York or be notice to said city of such



transfer or assignment unless the instruments evidencing such transfer or assignment shall have been filed in the finance department of the city of New York prior to the completion of such purchase by said city of New York.

§ 2. This act shall take effect immediately.

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(No. 15.)

AN ACT to amend the code of criminal procedure, in relation to grand jury stenographers.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Section nine hundred and fifty-two-v of the code of criminal procedure is hereby amended to read as follows:

§ 952-v. Compensation and payment of stenographers.— Each stenographer appointed as aforesaid shall receive such compensation for services rendered while engaged in taking testimony before a grand jury, as shall be determined by the board of supervisors of the county in which he is appointed, excepting that in the county of New York, such compensation shall be fixed by the board of estimate and apportionment of the city of New York, and such compensation shall not be less than five nor more than ten dollars per day; and in addition thereto such stenographer shall be entitled to and shall be allowed for a copy of testimony furnished to the district attorney the same rate per folio as is now allowed to the stenographers of the county court or court of common pleas, in their respective counties, and such clerk shall receive the same compensation for all copies of the evidence in excess of three copies, furnished by him to the district attorney. Such compensation shall be a county charge, and shall be paid by the treasurer of such county upon the affidavit of the stenographer and the certificate of the district attorney specifying the number of days of actual service and the number of folios furnished; excepting that in the county of Erie the salaries of said stenographers shall be fixed by the board of supervisors; and excepting that in the county of Monroe the stenographer known as the first stenographer shall receive an annual salary of fifteen hundred dollars, and the stenographer known as the second stenographer shall receive an annual salary which shall be not less than seven hundred and twenty dollars, and excepting that in the county of Albany said stenographer shall receive a salary of twelve hundred dollars per an-

num]; and excepting that in the counties of Queens and Oneida said stenographer shall receive a salary of one thousand dollars per annum, and in the county of Orange, twelve hundred dollars per annum. Such salaries shall be a county charge and shall be paid monthly, and in Erie county semi-monthly, by the treasurer of said county in the same manner as the salaries of other county officers are paid.

§ 2. This act shall take effect immediately.

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(No. 16.)

AN ACT to amend the forest, fish and game law, in relation to the open season for deer.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Sections seventy-six, seventy-seven and seventy-eight of the forest, fish and game law are hereby amended to read, respectively, as follows:

§ 76. Deer; open season.—The open season for deer shall be from [September sixteenth to] October [thirty-]first to November fifteenth, both inclusive, in the counties of Clinton, Dutchess, Essex, Franklin, Fulton, Hamilton, Herkimer, Jefferson, Lewis, Oneida, Saratoga, Saint Lawrence, Warren and Washington except in all that portion of Oneida, Lewis and Jefferson counties, lying westerly of the Utica and Black River Railroad from Utica to Ogdensburg where there shall be no open season. The open season for deer in the towns of Cohecton, Tusten, Highland, Lumberland, Forestburg and Bethel in Sullivan county and the town of Deer Park in Orange county shall be from October sixteenth to October thirty-first, both inclusive. Deer shall not be taken at any other time or possessed except as provided by sections seventy-seven and seventy-eight. There shall be no open season for deer elsewhere in the state, except on Long Island as hereinafter provided. No person shall take more than two deer in an open season. No person shall take any wild deer between sunset and sunrise. No wild deer shall be taken while in water. Deer may be taken alive at any time by the commission to restock the state's deer parks or to exchange for elk or moose. Fawns in the spotted or red coat shall not be taken nor shall any part thereof be possessed at any time. No traps, saltlick or other device to

entrap or entice deer shall be made, set or used, nor shall deer be taken by aid or use thereof. No jack light or other artificial light shall be used in taking deer.

§ 77. Possession of deer or venison.—Deer or venison may be possessed or sold from [September] *October* [sixteenth] *first* to November [fifth] *twentieth*, both inclusive. Possession thereof for midnight of [October thirty-first] *November fifteenth* to midnight of November [fifth] *twentieth* shall be presumptive evidence that the same was unlawfully taken by the possessor.

§ 78. Transportation.—Deer or venison killed in this state shall not be transported from or through any county, or possessed for that purpose, except as follows: One carcass or a part thereof at one time may be transported from the county where killed when accompanied by the owner. No person shall transport or accompany more than two deer in any year under this section. Deer or venison killed in this state may be accepted by a common carrier for transportation from [September] *October* [sixteenth] *first* to November [first] *fifteenth*, both inclusive, but if possession is obtained for transportation after [September] *October* [fifteenth] *first* and before midnight of November [first] *fifteenth*, it may when accompanied by the owner lawfully remain in the possession of such common carrier the additional time necessary to deliver the same to its destination. Possession of deer or venison by a common carrier, or by any person in its employ while engaged in the business of such common carrier, unaccompanied by the owner shall constitute a violation of this section by such common carrier. This section does not apply to the head, feet or skin of deer legally taken if carried separately.

§ 2. This act shall take effect immediately.

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(No. 17.)

AN ACT to confer certain rights on the municipalities of Nassau county and upon the city of New York in respect to the water in said county forming part of the water supply of the city of New York and to confer jurisdiction upon the state water supply commission in respect thereto.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Upon compliance with the provisions of this act and with the reasonable rules and regulations that may be established thereunder, it shall be lawful for any of the municipal corpora-



tions in the county of Nassau, which municipal corporations supply water to the inhabitants thereof from a municipal plant, to take and receive from any of the reservoirs, aqueducts, conduits, streams or pipes of or belonging to the city of New York, located in said county, or which may hereafter be located therein, used or to be used for supplying water to any part of said city or the inhabitants thereof, a supply of water for the uses and purposes of the said municipal corporation and its inhabitants. Any such municipal corporation desiring to take and receive water under the provisions of this act shall make application in writing to the proper officer, department or bureau in charge of such water supply in the city of New York, setting forth the facts showing the necessity, desirability and reasonableness of the application and showing the places and manner in which it is proposed to make connections with the said reservoirs, aqueducts, conduits, streams or pipes and the estimated quantity of water proposed to be taken. It shall be the duty of the said officer, department or bureau to grant a permit or authorization for the making of said connection upon compliance with the provisions of this act and with such reasonable rules and regulations as may be established thereunder.

§ 2. The said officer, department or bureau is hereby authorized to establish reasonable rules and regulations in furtherance of, and not inconsistent with the purposes of this act. He or it shall install meters or other devices, so that the quantity of water thus taken or diverted may be ascertained and a record thereof kept, and shall establish a proper system of inspection and keeping of accounts and of enforcing payment of such sums as may become due to the city of New York. The expense of making connections with the said reservoirs, aqueducts, conduits, streams or pipes shall be paid by the said municipality; and said connections shall be made under the inspection of, and in accordance with the requirements of the said officer, department or bureau.

§ 3. Any municipality taking water under the provisions of this act shall pay to the city of New York such sum per unit of measure as may be agreed upon between said municipality and said officer, department or bureau; but said charge shall not be greater than the charge per unit of measure made by the city of New York to inhabitants of the borough of Brooklyn who receive water through meters from the public water supply belonging to the city of New York.

§ 4. The quantity of water taken by any municipality shall not exceed one hundred gallons per day for each of the inhabitants of said municipality as numbered in the last preceding state census, said one hundred gallons per day being estimated as approximately the same amount as is the total number of gallons furnished from the public water supply to the inhabitants of the borough of Brooklyn, divided by the number of inhabitants of the said borough as numbered in the last state census.

§ 5. In case of the failure of said municipality to comply with the provisions of this act or with the said reasonable rules and regulations, or to pay the amount that may be justly due to the city of New York, it shall be lawful for the said officer, department or bureau to cut off or discontinue the supply of water to the said municipality as provided for in this act.

§ 6. In case any dispute shall arise as to the facts material under this act, it shall be lawful for the said municipality or for the city of New York, through its proper agent or representative, to apply to the state water supply commission, created by chapter seven hundred and twenty-three of the laws of nineteen hundred and five, for an adjudication upon the said facts, and jurisdiction is hereby conferred upon, and it shall be the duty of the said commission to examine into the facts and to adjudicate thereon, which adjudication shall be final and conclusive.

§ 7. This act shall take effect immediately.

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(No. 18.)

AN ACT to amend the stock corporation law, in relation to preferred and common stock.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Section sixty-one of the laws of nineteen hundred and nine, entitled "An act relating to stock corporations, constituting chapter fifty-nine of the consolidated laws," is hereby amended to read as follows:

§ 61. Preferred and common stock.—Every domestic stock corporation may issue preferred stock and common stock and different classes of preferred stock or common stock, [if the cer-

tificate of incorporation so provides] and may grant to, or deny and withhold from, either absolutely or conditionally, any particular class of stock so created, the right and power to vote for the election of directors or of a director, or upon questions or a question relating to the management or conduct of the business of the corporation. But no stock of limited or inferior voting rights or powers shall be hereafter issued unless there shall be printed, stamped or written upon the face of the certificates thereof, a true statement of such limitations or restrictions. Every such classification of stock must be authorized either by the certificate of incorporation, or by the unanimous consent of the stockholders expressed in writing, with an affidavit of the custodian of the stock book annexed thereto, stating that the persons who have signed the consent are the holders of record of the entire capital stock of said corporation, issued and outstanding, which consent shall be filed and recorded in the offices where the original certificate of incorporation of such corporation was filed, or by the consent of the holders of record of two-thirds of the capital stock, given at a meeting called for that purpose upon notice such as is required for the annual meeting of the corporation, in which case a certificate of the proceedings of such meeting, signed and sworn to by the president or vice-president, and by the secretary or an assistant secretary, of the corporation, shall be filed and recorded in the offices where the original certificate of incorporation of such corporation was filed. Any unissued shares of any class of stock created by the certificate of incorporation or by action of the stockholders as herein provided, may be altered within the limitations fixed by this section, by like action of the stockholders, and by filing and recording a like consent or certificate as is required for the creation of preferred stock. The corporation may, upon the written request of the holders of any preferred stock, by a two-thirds vote of its directors, and upon the filing and recording of an amended certificate of incorporation, signed and acknowledged by two-thirds of its directors, in the offices where its original certificate of incorporation was filed exchange the same for common stock, and issue certificates for common stock therefor, upon such valuation as may have been agreed upon in the certificate of organization of such corporation, or the issue of such preferred stock, or share for share, but the total amount of such capital stock shall not be increased thereby.

§ 2. This act shall take effect immediately.



## (No. 19.)

AN ACT authorizing an inquiry into the question as to providing terminal facilities on the canals of this state with a view of ultimately improving and fostering the commerce of the state, and making an appropriation therefor.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. The state engineer and surveyor, the superintendent of public works, the chairman of the advisory board of consulting engineers, one member of the senate and two members of assembly, to be appointed by the lieutenant-governor and the speaker of assembly, respectively, are hereby designated and constituted a committee for the purpose of studying the question as to the providing of terminal facilities for the canals of this state. It shall be the duty of said committee to visit and inspect the various harbors in this state connected with the canals, as well as all harbors in this state where freight carried on the canals may be either received or discharged. It shall also be the duty of said committee to report to the legislature at the earliest possible date, in detail, its findings and its recommendations as to the harbors and canal termini, where, in its judgment, special facilities for receiving or discharging canal freight should be provided; as to available sites for such terminal structures; as to the amount of land necessary to be taken at each point for such purposes; and also as to the character, extent and probable cost of each of such terminal structures.

§ 2. For the purpose of carrying out the provisions of this act the sum of ten thousand dollars (\$10,000), or so much thereof as may be necessary, is hereby appropriated out of any moneys in the treasury not otherwise appropriated; but none of the moneys hereby appropriated shall be applicable to the payment of the traveling expenses of the officials designated as members of the committee hereby created who may be provided funds for the defraying of traveling expenses by other appropriations.

§ 3. This act shall take effect immediately.

(No. 20.)

AN ACT to amend the election law, constituting chapter seventeen of the consolidated laws, in relation to printing and distributing proposed constitutional amendments or other propositions, or questions provided by law to be submitted to a popular vote.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Section two hundred and ninety-four of chapter twenty-two of the laws of nineteen hundred and nine, entitled "An act relative to elections" constituting chapter seventeen of the consolidated laws, is hereby amended to read as follows:

§ 294. Notice of submission of proposed constitutional amendments or other propositions or questions.—Every amendment to the constitution proposed by the legislature, unless otherwise provided by law, shall be submitted to the people for approval at the next general election, after action by the legislature in accordance with the constitution; and whenever any such proposed amendment to the constitution or other proposition, or question provided by law to be submitted to a popular vote, shall be submitted to the people for their approval, the secretary of state shall include in his notice of the general election, a copy of such amendment, proposition or question, and if more than one such amendment, proposition or question is to be voted upon at such election, such amendments, propositions or questions respectively shall be separately and consecutively numbered. *The clerk of each county, except the clerk of any county having a commissioner or board of elections, the commissioner of elections of each county wherein such commissioner has been appointed and the board of elections of the city of New York, shall forthwith, upon receipt of such notice, cause printed copies to be made of every such proposed amendment to the constitution or other proposition, or question provided by law, to be submitted to a popular vote, said printed copies to contain the text of such proposed amendment, proposition or question setting out all new matter in italics and inclosing in brackets all matter to be eliminated from existing law, and shall, on the first day of registration, cause an adequate number of such printed copies of such proposed amendment, proposition or question, to be placed in the places designated pursuant to the provisions of this act, for the meetings for registration, and distributed therein by the chairman of the board of inspectors, on*

*each day of registration, to the electors applying for registration. If such amendment, proposition or question is to be submitted at a special election, the secretary of state shall, at least twenty days before the election, make and transmit to each county clerk, except the clerk of any county having a commissioner or board of elections, the commissioner of elections of each county wherein such commissioner has been appointed, [and the board of elections of the city of New York, and the commissioner of elections of the county of Erie,] a like notice. Each county clerk and commissioner of elections aforesaid, and the board of elections of the city of New York, [the said commissioner of elections] shall, forthwith upon receipt of such notice, file and record it in his office, and shall cause a copy of such notice to be published once a week until the election therein specified in the newspapers designated to publish election notices[.], and in addition thereto, on the day of registration for such special election, each clerk of a county, except the clerk of any county having a commissioner or board of elections, the commissioner of elections of each county wherein such commissioner has been appointed and the board of elections of the city of New York shall cause an adequate number of printed copies of such proposed amendment, proposition or question, containing the text thereof and setting out all new matter in italics and inclosing in brackets all matter to be eliminated from existing law, to be placed in the places designated for the meeting for registration for such special election, and distributed therein by the chairman of the board of inspectors, to the electors applying for registration.*

§ 2. This act shall take effect immediately.

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(No. 21.)

AN ACT creating a railroad terminal station commission of the city of Buffalo, defining its powers and the powers of said city, and authorizing said city to issue its bonds.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. The mayor of the city of Buffalo, a member of the board of aldermen of the city of Buffalo, or some other resident of Buffalo, to be selected by said board, a member of the board of councilmen of said city, or some other resident of Buffalo, to be



selected by said board, and Elliott C. McDougal, John W. Robinson, Herbert A. Meldrum, Jacob C. Dold, William A. Douglas and Frank A. Beyer shall be and constitute a commission for the purpose of agreeing upon the location, construction, erection and maintenance of railroad passenger and freight stations, yards and appurtenances and facilities to be used in connection therewith and of the public and railroad approaches thereto and of the streets, squares and public places, contiguous or so proximately adjacent to the said stations, yards, facilities or approaches as to render desirable and expedient that the maintenance and use thereof be adapted and suited to the said stations for railroad maintenance or uses, and of agreeing upon and for the building and use of said stations, yards and therewith connected facilities by the respective railroad corporations owning or operating railroads within the city of Buffalo, or by such of them as shall be disposed to agree with said commission in providing and using the same. Said commission shall be called and known as "the terminal station commission of the city of Buffalo." Vacancies in said commission shall be filled by the mayor of the city of Buffalo, except that the successors of members selected by the board of aldermen or the board of councilmen shall be selected by the board which selected the member whose position becomes vacant. The members of the common council, if any, on said commission shall cease to be commissioners upon the expiration of their respective terms of office as alderman or councilman, and the board of aldermen and board of councilmen shall fill said vacancies in the manner hereinbefore provided. Upon any change of personnel in the office of mayor, the incoming mayor shall become a commissioner in place of the preceding mayor, unless within ten days after taking office as mayor he shall, in a communication to the common council, designate his said predecessor as a member of said commission in his place.

§ 2. Before entering upon their duties said commissioners shall take and subscribe the oath of office required by the constitution. They shall elect one of their number chairman, and may employ such assistants, including a secretary, an attorney, an engineer or engineers, as they may deem necessary, whose salaries shall be fixed by said commission and be paid by the city. Six of said commissioners shall constitute a quorum for the transaction of business. No contract, lease or grant on behalf of said city shall be let or made unless signed by at least six of said commissioners,

and no act of said commissioners shall be valid unless approved by at least six of said commissioners.

§ 3. Said commission shall have the power to make and enter into agreements with the several railroad corporations owning or operating railroads within the city of Buffalo, or such of them as shall be willing to join with said commission in an agreement providing for the location, construction, erection and maintenance of passenger railroad and freight stations, yards and appurtenances, together with all the necessary terminal railroad and terminal facilities to be used in connection therewith, which contract or contracts shall provide that all the necessary land for said purposes shall be acquired by said railroad corporations, which land, with the structures to be built thereon, shall be acquired and built and maintained at the sole expense of said railroad corporations; provided, however, that said commission may sell, lease or convey to said railroad corporations, or some of them, such land belonging to the city of Buffalo, upon such terms as they may deem advisable for the accomplishment of the aforesaid objects. Such commission shall have the power to close any street, highway or public place, or to change the location, width or grade thereof, or to open new or reopen former streets, squares or public places contiguous to such railroad stations, necessary to carry out the purposes of this act. Each of such passenger railroad station or stations shall be located, as nearly as may be, in the vicinity of the present railroad passenger stations of the various railroad corporations now owning or operating railroads within said city, and all contracts, agreements or grants made by said commission under this act, with or to any of the said railroad corporations shall be subject to the approval of the public service commission of the second district of the state of New York, and when approved shall thereupon be and become binding upon the city of Buffalo.

§ 4. Said commission shall have the power to acquire, in the name of the city of Buffalo, by purchase or by proceedings in eminent domain, conducted in the form and manner prescribed by the code of civil procedure, necessary lands for streets, squares or public places near or adjacent to said stations, or either or any of them; and may exchange properties with said railroad corporations, or either or any of them, and may agree with said railroad corporations or either or any of them, what portion of the work necessary to be done to change the grade of any existing street, square, or public place, or of the opening of new streets, squares

or public places, shall be done by the city of Buffalo, and what proportion of the cost or expense or damages incurred by reason thereof shall be paid by the respective parties to such agreement or agreements. Upon making payment of the awards in the manner provided by the code of civil procedure, the fee of the lands taken in pursuance of this section shall vest in the city of Buffalo. Any number of separate parcels of land owned by the same or different persons or corporations, or in which the same or different persons or corporations have an interest, whether contiguous or not, may be included in one and the same proceeding under this act.

§ 5. Whenever any of the work provided for in this act shall be done by, or entirely at the expense of the city of Buffalo, said commission shall cause a notice to be published in the official paper and two other daily papers in said city, twice a week for two weeks, inviting proposals for the same, according to plans and specifications to be filed in the office of the commission, and the contract shall be let to the lowest responsible bidder, who shall furnish security for its performance satisfactory to said commission.

§ 6. Said commissioners shall not receive any compensation for their services, but shall be paid by the city the reasonable expenses incurred in the performance of their duties as such commissioners.

§ 7. The city may from time to time borrow money to pay for lands acquired by it for any of the purposes specified in this act, or to pay the obligations incurred by said commission under the authority of this act, and the comptroller of said city shall issue its bonds for these purposes in such amounts and payable at such times and bearing such rate of interest as the common council of said city shall determine. The common council shall make provision in the annual estimates of the city for the payment of the interest on and the principal of said bonds as the same shall become due. All claims chargeable against the fund created by the sale of said bonds shall be certified by the chairman of said commission and shall be presented, audited and allowed in the same manner as is provided for the presentation, audit and allowance of other claims against said city. The employees and appointees of said commission shall be paid in the same manner as is provided for the payment of other employees of said city.

§ 8. When the work provided for in this act shall be completed, the office, powers and duties of said commissioners shall cease, and the agreements, contracts, plans and other documents and records of and pertaining to their said offices shall be deposited, filed and



remain as of the public records and papers in and of the office of the comptroller of said city.

§ 9. The provisions of any acts or parts of acts, including the charter of the city of Buffalo, which are inconsistent with this act, and in so far only as they are inconsistent with this act, shall have no application to the manner of creating this commission or to the rights, powers and obligations conferred or created by or under authority of this act, or to any proceedings taken thereunder.

§ 10. This act shall take effect immediately.

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(No. 22.)

AN ACT to establish a state park in the highlands of the Hudson river, as a memorial to Henry Hudson and Robert Fulton, to provide for the selection, location, appropriation and management thereof, and thereby to preserve the natural scenery of the Hudson river.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Within thirty days after the going into effect of this act there shall be appointed by the governor of this state, by and with the consent of the senate five commissioners who shall be citizens and residents of the state of New York, who shall constitute and are hereby appointed and constituted a board of commissioners by the name and style of "commissioners of Hudson-Fulton memorial commission." Of the commissioners first appointed under the provisions of this act, the terms of one shall expire each year until the terms of all have expired and the said commissioners first appointed shall be appointed and hold office after the first appointment shall be appointed by the governor and respectively for the term of one, two, three, four and five years, as indicated and fixed in their respective commissions and until others are appointed in their places, and all such commissioners, after the first appointment shall be appointed by the governor and hold office for the full term of five years and until others shall be appointed in their places; vacancies in the commission caused by death, resignation or refusal to act, or removal from the state shall be filled by the governor by appointment for the unexpired term only. No member of said board shall receive any compensation for his services as commissioner, but each commissioner shall

be entitled to receive his actual disbursements for his expenses in performing the duties of his office.

§ 2. Such board of commissioners and their successors shall have power to sue and be sued in the name of the "Hudson-Fulton Memorial Commission," to adopt a common seal, and to make by-laws to regulate its proceedings. Such board shall choose, annually from among its members, a president, vice-president, treasurer, and secretary, who shall have such powers and duties as shall be given them by such by-laws, and appoint such other officers and employees as it may deem necessary to carry out the purpose of this act; it may also determine the duties and compensation of such appointees and remove them at pleasure, and make such rules and regulations as it shall deem necessary to secure the efficient performance of their duties. Such board shall provide and maintain a suitable office, where its maps, plans, documents, records and accounts shall be kept, subject to public inspection at such time and under such reasonable regulations as the board shall prescribe.

§ 3. The first meeting of such board of commissioners at which it shall choose its officers, as hereinbefore provided, shall be held within thirty days from the going into effect of this act, at such time and place as shall be fixed by the secretary of state, who shall give notice to the members of the board of commissioners of the time and place at which the meeting is to be held.

§ 4. The board of commissioners shall have power to and shall, as soon as may be after its organization, proceed to select and locate such lands along the westerly shore of the Hudson river between culvert number forty-four, West Shore Railroad, as marked by an iron sign, about eight hundred (800) feet north of the present railway station at Jones Point and the north base of Storm King mountain, and such lands along the easterly shore of the Hudson river between the first watercourse meeting the Hudson river above Roa Hook, as shown by United States government topographic map, of the geological survey, and the north base of Breakneck ridge, not exceeding a distance of one-half mile from highwater mark (excepting such lands as are now owned or occupied by any railroad company, or by the United States, or by the state for any purposes, and such lands within said boundaries as have been or may be substantially improved and occupied for residential purposes — so long as they shall be so used and occupied — and the owner of which lands so improved and occupied will agree with the said board of commissioners that the same shall be maintained in such condition as will accomplish the objects of this act;

and also such lands as are situated within the limits of incorporated villages) as should, in their opinion, be reserved for the purpose of establishing a state park and thereby preserving the actual beauty and configuration of the Highlands of the Hudson river.

§ 5. The said board of commissioners shall have the power to acquire, maintain and make available for use as a public park the lands located as aforesaid, and for this purpose shall have power to take in fee or otherwise, by purchase, gift, or devise, or to acquire by eminent domain, the said lands, or any of them, and any rights, interests and easements therein, and to receive by gift, contribution or bequest, moneys to be used in acquiring or improving the said lands or any of them; deeds of conveyance for such lands shall be made to said board of commissioners by its corporate name hereinbefore specified, and it shall be the duty of said board to preserve, care for, and maintain in its natural condition as far as may be, the said reservation, and to make rules for the use and government of the same.

§ 6. Before any proceeding shall be had or taken for acquiring the title to any of the land located as aforesaid, the said commissioners shall cause to be made, a map of the lands and rights in lands which they may determine to acquire showing the boundaries of the individual pieces of land embraced therein, and the names of the owners or reputed owners thereof, as nearly as the same can be ascertained, and shall at the same time proceed to investigate, ascertain and appraise as nearly as may be the full and fair value of the lands shown on the said map, a copy of which map certified by a majority of said commissioners, and also their estimate and appraisal of the value of said lands shall be filed in the office of the secretary of state and in the office of the clerk of the county in which said lands are situated. The said commissioners shall also file in like manner any modifications or amendments which they may from time to time make in the said map, and the said map shall thereafter be deemed to be altered in accordance with such modifications and the same proceedings may be had thereafter as are herein provided for in relation to the lands shown on said map as originally filed.

§ 7. After the filing of the said map as above required, the said commissioners shall from time to time and at such times as they may deem advisable, publish for six successive weeks in the state paper, and in a newspaper printed and published in the county in which said lands are situated, a notice declaring the Hudson-Fulton



memorial commission intend to take and appropriate such of the lands and rights in lands shown on the said map as are described in such notice, and acquire title thereto and hold the same in trust for the people of the state of New York, and that the said commissioners intend to apply to the supreme court in the ninth judicial district, on a day specified for the appointment of three freeholders, residents of the state of New York, to act as commissioners of appraisement, to ascertain and report the just compensation to be paid to person or persons or corporation owning or having an interest in said property.

§ 8. Upon the day designated in the said notice or some other day to be named by the said court, the said court shall appoint three disinterested persons, freeholders, residents of the state of New York, one of whom shall be a resident of the county in which the property to be taken is situated, commissioners of appraisement for the purpose aforesaid. And in case any commissioner of appraisement shall decline to serve, the said court may on application of the said Hudson-Fulton memorial commission, upon notice of such vacancy and application to be published in a newspaper in the county in which said lands are situated for two successive weeks appoint another in his place.

§ 9. The commissioners of appraisement so appointed shall, before they enter upon their duties, take and subscribe an oath or affirmation, to be administered by some person authorized to administer oaths faithfully and impartially to execute their duties according to the best of their ability. They shall give notice of the time and place of their meeting to view the said property, by publishing the same in a newspaper printed and published in the county in which the said lands are situated for two successive weeks.

§ 10. The commissioners of appraisement shall together view such property and shall receive any legal evidence as to the compensation that should be made therefor, and may adjourn from time to time. They shall ascertain and award to the respective owners of the property to be taken, and to all persons and corporations interested therein, such compensation therefor as in their opinion shall be just and proper and in fixing the amount of such compensation said commissioners shall not make any allowance of deduction on account of any real or supposed benefit which the parties interested may derive from the said park or improvement for which said lands are to be taken. The report of the commissioners of appraisement, signed by a majority of said commis-

sioners, shall be filed in the office of the clerk of the county in which said lands are situated as soon as completed, and said report shall be made and filed within six months from the time of their appointment, unless the time should be extended by a justice of the supreme court. Their oaths of qualification and their minutes of the testimony taken by them, if any, shall be attached to and filed with their said report and form a part thereof.

§ 11. After the report of the said commissioners of appraisement shall be so filed, the Hudson-Fulton memorial commission shall give notice by publishing the same in two successive numbers of any newspaper printed and published in the county in which said lands are situated that they will on a day to be specified in said notice apply to the said supreme court for an order confirming the report, and on the day so appointed the said court, upon being furnished with proof of the due publication of said notice as above provided, shall hear any objections which may be filed to such report and may confirm said report or refer the same back to the same or new commissioners. Upon the final confirmation of such a report the court shall make an order containing a recital of the substance of the proceedings in the matter of the appraisement and description of the real estate appraised for which compensation is to be made and the amount of compensation to be made in each case, and shall also direct to whom the money is to be paid. The said court shall also tax and allow such costs, fees and expenses to the commissioners of appraisement and other persons performing any legal duty in the premises as it shall think right, which shall be paid by said board of commissioners out of the appropriation hereafter made.

§ 12. A certified copy of the order so to be made as aforesaid shall be recorded at length in the office of the clerk of the county in which said lands are situated and also in the office of the secretary of state.

§ 13. Within twenty days after the confirmation of the report of the commissioners of appraisement, as provided for in the eleventh section of this act, any party may appeal on giving notice in writing to the other by petition to the appellate division of the supreme court in the second department, from the appraisal and report of the commissioners. Such appeal shall be heard by the said appellate division at the next thereafter ensuing term thereof, on due notice thereof being given according to the rules and practice of said court. On hearing of such appeal the court may direct a new appraisement before the same or new commissioners

to be by it appointed, in its discretion. In case the court shall order a new appraisement the appraisers appointed to make the same shall qualify and proceed in all respects as provided in sections nine and ten hereof, and such second appraisement shall be final and conclusive upon both parties.

§ 14. In case there should be conflicting claimants for any of the money awarded to be paid for any of the said lands or rights in lands appraised as aforesaid, or in case the person entitled to receive any money awarded to be paid for any of the said lands or rights in lands so appraised cannot be ascertained, or is absent from the state or under any legal incapacity that disqualified him or them from receiving legal payment of the money awarded, then it shall be the duty of the said Hudson-Fulton memorial commission upon making payment for the lands taken and appraised as aforesaid to pay the amounts awarded to said person or persons to the clerk of the county in which said lands are situated who shall receive the same, and pay over the same as he may be ordered by the said supreme court, which upon application made thereto shall determine who is entitled to the same, and direct to whom the same shall be paid, and may in its discretion under a referee to ascertain the facts upon which said determination and order are to be made. Any and all such payments to said clerk shall be equivalent to payment to the parties entitled thereto, and shall operate to transfer the title of the said lands or rights in lands to the said board of commissioners, as if payment had been made directly to the parties entitled thereto, and shall release the said board of commissioners from all claim therefor.

§ 15. If, at any time after an attempt to acquire title by condemnation as aforesaid, it shall be found that the title attempted to be acquired is defective, the said Hudson-Fulton memorial commission shall proceed anew to acquire or perfect such title, in the manner hereinbefore set forth, as if no appraisement had been made, and the said supreme court shall have power at any time to amend any defect or informality in any of the proceedings to acquire title to the said lands, or rights in lands, or any of them, as may be necessary, and also to appoint other commissioners of appraisement in place of any who may die or refuse or neglect to serve or be incapable of serving, upon like notice, as required by section eight of this act.

§ 16. The said Hudson-Fulton memorial commission shall not acquire the title to or enter into possession of any of the said appraised premises until the amount awarded for the same shall



have been paid to the owner or owners thereof or to the county clerk as aforesaid, but such payment shall operate to transfer the title to the said commission.

§ 17. After the proceedings hereinbefore provided for, for the purpose of acquiring title by the said board of commissioners to the said lands or any of them shall have been concluded, the said Hudson-Fulton memorial commission shall report such proceedings, and all other action taken by them, together with the amount awarded by the said commissioners of appraisement, to the legislature of this state.

§ 18. The sum of twenty-five thousand dollars (\$25,000), or as much thereof as may be necessary, payable out of any moneys in the treasury not otherwise appropriated is hereby appropriated subject to the audit of the comptroller to carry out the provisions of this act, and the same shall be payable by the comptroller to the said Hudson-Fulton memorial commission.

§ 19. This act shall take effect immediately.

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(No. 23.)

AN ACT to amend the charter of the city of Rensselaer, in relation to notice and other procedure and liability of said city in respect to certain actions and causes of action.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Section two hundred and thirty of chapter three hundred and fifty-nine of the laws of eighteen hundred and ninety-seven, entitled "An act to incorporate the city of Rensselaer," is hereby amended to read as follows:

§ 230. [Limitations of] Actions against the city for negligence; *limitations, et cetera*.—[All claims against the city for injuries on account of alleged negligence shall be presented to the common council in writing within three months after said injury is received, describing the time, place, cause and extent of the injury and giving the names of all persons present at the time so far as the same are known, and also the nature and extent of the injury, verified by the oath of the claimant, if possible. An omission to present such claim within three months, as above provided shall be a bar to an action thereon against the city. No

action shall be commenced against said city on such claim within two months from the presentment thereof and no such action shall be commenced after the expiration of one year from such injury.] *No civil action shall be maintained against the city for damages or injuries to person or property sustained in consequence of any street, highway, bridge, culvert, sidewalk or crosswalk being defective, out of repair, unsafe, dangerous or obstructed unless it appear that written notice of the defective, unsafe, dangerous, obstructed condition of such street, highway, bridge, culvert, sidewalk or crosswalk was actually given to the superintendent of streets, and that there was a failure or neglect within a reasonable time after the giving of such notice to repair, or remove the defect, danger or obstruction complained of, or, in the absence of such notice, unless it appears that such defective, unsafe, dangerous or obstructed condition existed for so long a period that the same should have been discovered and remedied in the exercise of reasonable care and diligence. But no such action shall be maintained for damages or injuries to the person sustained solely in consequence of the existence of snow or ice upon any sidewalk, crosswalk or street, unless written notice thereof, relating to the particular place, was actually given to the superintendent of streets and there was a failure or neglect to cause such snow or ice to be removed, or the place otherwise made reasonably safe within a reasonable time after the receipt of such notice. The city shall not be liable in a civil action for damages or injuries to person or property, or invasion of personal or property rights of any name or nature whatsoever, whether casual or continuing, arising at law or in equity, alleged to have been caused or sustained, in whole or in part, by or because of any omission of duty, wrongful act, fault, neglect, misfeasance or negligence on the part of the city, or any of its agents, officers or employees, unless a claim therefor in writing, verified by the oath of the claimant, containing a statement of the place of residence of the claimant, by street and number, if any, otherwise such facts as will disclose such place of residence with reasonable certainty, and describing the time when, the particular place where and the circumstances under which the damages or injuries were sustained, the cause thereof, and, so far as then practicable, the nature and extent thereof, shall within three months after the happening of the accident or injury or the occurrence of the act, omission, fault or neglect out of which or on account of which the claim arose, be presented to the common council and served upon*

*the mayor or city clerk and notice of intention to commence an action thereon be served upon the corporation counsel, nor unless an action shall be commenced thereon within one year after the happening of such accident or injury or the occurrence of such act, omission, fault or neglect; but no action shall be commenced to recover upon or enforce any such claim against the city until the expiration of three months after the service of said notice upon the corporation counsel. Nothing herein contained, however, shall be held to revive any claim or cause of action now barred by any existing requirement or statute of limitations nor to waive any existing limitation now applicable to any claim or cause of action against the city.*

§ 2. This act shall take effect immediately.

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(No. 24.)

AN ACT to amend the personal property law and the real property law, in relation to trusts for the care of cemetery lots, monuments and their appurtenances.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Chapter forty-five of the laws of nineteen hundred and nine, entitled "An act relating to personal property, constituting chapter forty-one of the consolidated laws," is hereby amended by adding thereto, after section thirteen, a new section, to be section thirteen-a thereof, to read as follows:

§ 13-a. Trusts for care of cemetery lots, etc.— Gifts, grants and bequests of personal property, in trust for the purpose of perpetual care and maintenance, improvement or embellishment of private burial lots in cemeteries, and the walks, fences, monuments, structures and tombs thereon, are permitted and shall be deemed to be for charitable and benevolent uses; and shall not be deemed to be invalid by reason of any indefiniteness or uncertainty of the persons designated as beneficiaries in the instrument erecting the same, nor shall they be deemed invalid as violating any existing laws against perpetuities or suspension of the power of alienation of title to property. But nothing herein contained shall affect any existing authority of the courts to pass upon the reasonableness of the amount of such gift, grant or bequest.

§ 2. Chapter fifty-two of the laws of nineteen hundred and nine,



entitled "An act relating to real property, constituting chapter fifty of the consolidated laws," is hereby amended by adding thereto, after section one hundred and fourteen, a new section, to be section one hundred and fourteen-a thereof, to read as follows:

§ 114-a. Trusts for care of cemetery lots, etc.— Gifts, grants and devises of real property, in trust for the purpose of applying the proceeds or income thereof to the perpetual care and maintenance, improvement or embellishment of private burial lots in cemeteries, and the walks, fences, monuments, structures and tombs thereon, are permitted and shall be deemed to be for charitable and benevolent uses; and shall not be deemed to be invalid by reason of any indefiniteness or uncertainty of the persons designated as beneficiaries in the instrument creating the same, nor shall they be deemed invalid as violating any existing laws against perpetuities or suspension of the power of alienation of title to property. But nothing herein contained shall affect any existing authority of the courts to pass upon the reasonableness of the amount of such gift, grant or devise.

§ 3. This act shall take effect immediately.

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(No. 25.)

AN ACT for the relief of the county of Broome, relative to the collection of uncollected taxes therein for the years eighteen hundred and ninety-seven, eighteen hundred and ninety-eight, eighteen hundred and ninety-nine, nineteen hundred, nineteen hundred and one, nineteen hundred and two, nineteen hundred and three, nineteen hundred and four, nineteen hundred and five, and nineteen hundred and six, and empowering and directing the county treasurer thereof to collect such taxes by advertisement and sale of lands upon which the same were originally assessed.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. No tax assessed and levied on any real property in the county of Broome, as resident or non-resident lands, for state, county or town purposes, in and for the years eighteen hundred and ninety-seven, eighteen hundred and ninety-eight, eighteen hundred and ninety-nine, nineteen hundred, nineteen hundred and one, nineteen hundred and two, nineteen hundred and three, nineteen hundred and four, nineteen hundred and five and nineteen

hundred and six, still remaining unpaid and uncollected, shall in any way be invalidated by reason of the failure, omission or neglect of any public officer to comply with any of the provisions of sections eighty-nine, one hundred and fifty and one hundred and fifty-one of chapter nine hundred and eight of the laws of eighteen hundred and ninety-six, known as the general tax law, and the acts amendatory thereof and supplemental thereto; and all such taxes are, notwithstanding such failure, neglect or omission of any such officer, hereby legalized, reassessed and relieved upon the real property upon which the same were originally assessed and levied, and the same shall be a charge and lien upon such real property for the amount of such taxes, with interest thereon from the time when this act shall take effect and such real property so taxed shall be subject to advertisement and sale for the payment of such taxes with interest thereon, from the time when this act shall take effect, in accordance with the terms and provisions of the tax law.

§ 2. Within thirty days after this act shall take effect, the county treasurer of said county shall cause a notice to be published once in each week for four successive weeks in two newspapers of general circulation published in said county, requiring all persons interested in any lands situated in said county on which taxes for said years remain unpaid and uncollected, to pay the same with interest from the time when this act shall take effect, to the county treasurer on or before the day specified therein, which day shall not be less than thirty days from the day of the first publication of said notice.

§ 3. Within sixty days after the expiration of the day specified in said published notice for the payment of such taxes, the county treasurer of said county shall proceed to collect all such taxes that shall remain unpaid and uncollected, together with interest thereon from the time when this act shall take effect, and the expense of sale, as provided by the tax law, by advertisement and sale of the lands upon which the same were originally assessed and levied, in accordance with the terms and provisions of the tax law relative to the advertisement and sale of lands for unpaid and uncollected taxes thereon, which provisions of the tax law, together with the other provisions thereof relating to conveyance of such lands by county treasurers and the effect of such conveyance and the redemption of such lands by persons interested therein, are hereby made applicable to the collection of such unpaid taxes by advertisement and sale of lands in the county of Broome upon which

such taxes were assessed and levied in and for the said years eighteen hundred and ninety-seven, eighteen hundred and ninety-eight, eighteen hundred and ninety-nine, nineteen hundred, nineteen hundred and one, nineteen hundred and two, nineteen hundred and three, nineteen hundred and four, nineteen hundred and five and nineteen hundred and six.

§ 4. Nothing in this act contained shall be construed as legalizing any re-assessment or re-levy of taxes upon real property in Broome county in and for the years above mentioned, made contrary to the provisions of section four, of article one, of chapter nine hundred and eight of the laws of eighteen hundred and ninety-six, and the acts amendatory thereof and supplemental thereto; nor as authorizing, empowering and directing the county treasurer of said county to collect such taxes so assessed and levied in any of the years above mentioned contrary to the provisions of said section four, of article one, of chapter nine hundred and eight of the laws of eighteen hundred and ninety-six, and the acts amendatory thereof and supplemental thereto.

§ 5. This act shall take effect immediately.

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(No. 26.)

AN ACT to amend chapter seven hundred and sixty of the laws of eighteen hundred and ninety-seven, entitled "An act to revise the charter of the city of Watertown," in relation to the firemen's pension fund.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Section one hundred and forty-three of chapter seven hundred and sixty of the laws of eighteen hundred and ninety-seven, entitled "An act to revise the charter of the city of Watertown," is hereby amended to read as follows:

§ 143. All the property, real and personal, now owned or which may hereafter be acquired by the city of Watertown for the use of the fire department, shall be under the control and management of said board, and all moneys, required by any law of this state to be paid by agents of insurance companies not incorporated under the laws of this state, [or arising from any other source,] for the use and benefit of the fire departments of cities, to which the city of Watertown or the fire department thereof may be



entitled, shall hereafter be paid to the treasurer of the city of Watertown, [and be credited by him to the "fire department fund" of said city and shall be expended by said board for the use and benefit of the fire department of said city and for defraying the expenses thereof] *who shall pay the same over, except the portion thereof payable to the Firemen's Association of the State of New York under the provisions of the insurance law, as soon as received, to the treasurer of the firemen's pension fund.*

§ 2. Section one hundred and fifty-eight-a of said act, as added by chapter four hundred and eighty-five of the laws of nineteen hundred and five, is hereby amended by adding thereto, after subdivision four, two new subdivisions, to be subdivisions five and six, to read, respectively, as follows:

5. An assessment of one per centum per month on the salaries of all officers and members of said fire department which said sum or assessment shall be deducted by the board of public safety from the salary of each and every officer and member of said fire department, and said board of public safety shall authorize a warrant to be drawn each month upon the fire department fund for the amount of such assessments, payable to the treasurer of the firemen's pension fund.

6. All moneys, required by any law of this state to be paid by agents of insurance companies not incorporated under the laws of this state, for the use and benefit of the fire department of cities, to which the city of Watertown or the fire department thereof may be entitled.

§ 3. This act shall take effect immediately.

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(No. 27.)

AN ACT to amend the Greater New York charter, relative to the operation of ferries and the acquirement of property therefor.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Section eight hundred and twenty-four-a of the Greater New York charter, as re-enacted by chapter four hundred and sixty-six of the laws of nineteen hundred and one, as added by chapter four hundred and fifty of the laws of nineteen hundred and seven, is hereby amended to read as follows:

§ 824-a. The commissioner of docks, with the approval of the commissioners of the sinking fund, is authorized in his discretion

to acquire by purchase or condemnation in the name and for the benefit of the corporation of the city of New York, [and to equip, maintain and operate the same,] *any property now or formerly used in connection with any ferry or ferries situated in the borough of Brooklyn in said city, between the northerly line of South Sixth street extended westerly and the southerly line of South Ninth street extended westerly* [maintained or operated between any of the boroughs of the city of New York with all the property belonging thereto] and such additional property as may be required for terminal facilities or approaches, *and to equip, maintain and operate any such ferry or ferries.* The comptroller shall, from time to time when authorized by the board of estimate and apportionment on the recommendation of the commissioners of the sinking fund, issue corporate stock of the city of New York, in such amounts as they may deem the public interests to demand for the purpose of raising the money necessary to carry out the provisions of this section. *If the said commissioner of docks shall deem it proper and expedient that the said corporation should acquire right and title to and possession of any property, now or formerly used in connection with any ferry or ferries, and situated in the borough of Brooklyn between the northerly line of South Sixth street extended westerly and the southerly line of South Ninth street extended westerly, and such additional property as may be required for terminal facilities or approaches, by condemnation instead of by purchase, the said commissioner of docks may, with the approval of the commissioners of the sinking fund, direct the corporation counsel of said city to take legal proceedings to acquire the same for the city, and the said corporation counsel shall take the same proceedings to acquire the same as are by law provided for the taking of private property in said city for public streets or places, and the provisions of law relating to the taking of private property for public streets or places in said city are hereby made applicable, as far as may be necessary, to the acquiring of said ferry or ferries, together with all the property belonging thereto, and such additional property as may be required for terminal facilities or approaches. In a proceeding hereafter brought for the acquirement of any property used in connection with any such ferry or ferries, and such additional property as may be required for terminal facilities or approaches, if the commissioners of the sinking fund by resolution shall so direct, title to the said ferry or ferries and such additional property as may be required for terminal facilities or approaches shall vest in the city of New*

York at such time as said resolution of the commissioners of the sinking fund shall direct after the filing in the office of the clerk of the county where the proceedings are pending of the oaths of the commissioners of estimate in said proceedings appointed, and all of the rights, title and interest of any and all of the owners or persons interested in such property used in connection with said ferry or ferries, and such additional property as may be required for terminal facilities or approaches, shall cease and determine and be extinguished at such time. All the awards made in such proceedings for the value of property acquired or interest extinguished, shall draw interest at the legal rate from the time of the vesting of title in the city of New York.

Each and every captain, pilot, quartermaster, engineer, assistant engineer, ticket agent, ticket chopper, fireman, dock hand, oiler, gateman, bridgeman, and matron, who, on the first day of January, nineteen hundred and eight was employed as such on any ferry, the operation of which shall, hereafter, be assumed by the city of New York, and who shall prior thereto have successfully passed a non-competitive civil service examination under the civil service law in accordance with rules and regulations prepared by the municipal civil service commission, may be retained and assigned to perform service on any ferry, the operation of which shall be assumed by the city of New York, or which has heretofore been assumed by the city of New York. Except that in the case of captains, pilots, quartermasters, engineers, and assistant engineers who have served in such capacity on said ferries for a period of not less than ten years, the production of a license or certificate of fitness granted by the United States government shall be deemed equivalent to a civil service examination.

§ 2. This act shall take effect immediately.

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(No. 28.)

AN ACT to amend the agricultural law, entitled "An act in relation to agriculture, constituting chapter one of the consolidated laws," in relation to the size of standard barrels for apples, potatoes, pears and quinces.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Section two hundred and sixty-three of chapter nine of the laws of nineteen hundred and nine, entitled "An act in rela-



tion to agriculture, constituting chapter one of the consolidated laws," is hereby amended to read as follows:

§ 263. Barrels; apples, *potatoes*, pears and quinces; penalty for violation.—The term "barrel" when used in transactions of purchase or sale of apples or *potatoes* [pears or quinces shall represent a quantity equal to one hundred quarts of grain or dry measure, and such barrels shall be of the following dimensions:] *shall mean a barrel of at least the following dimensions: head diameter, seventeen and one-eighth inches; distance between heads, twenty-six inches; length of stave, twenty-eight and one-half inches; bulge, not less than sixty-four inches outside measurement. If the barrel shall be made straight, or without a bulge, it shall contain at least as many cubic inches as the barrel above described. Shrinkage is permissible if the capacity of the barrel is not reduced thereby more than two per centum. The term "barrel" when used in transactions of purchase or sale of pears or quinces shall mean a barrel of at least the following dimensions: head diameter, sixteen and one-half inches; length of stave, twenty-eight and one-half inches; bulge, not less than sixty-two inches outside measurement. If the barrel shall be made straight, or without a bulge, it shall contain at least the same number of cubic inches as the standard pear or quince barrel as herein described. Shrinkage is permissible if the capacity of the barrel is not reduced thereby more than two per centum.* Any person or persons making, manufacturing, or causing to be made or manufactured barrels for use in the purchase or sale of apples, *potatoes*, pears or quinces, or any person or persons packing apples, *potatoes*, pears or quinces in barrels for sale or selling apples, *potatoes*, pears or quinces in barrels containing a less quantity than the barrel herein specified shall brand said barrels upon each end [and] upon the outside surface thereof, and upon the side upon the outside surface thereof, conspicuously, in black letters one and one-half inches in length with the words, "short barrel." Any person violating any of the provisions of this section shall forfeit and pay to the people of the state the sum of five dollars for each and every barrel so used in violation hereof.

§ 2. Section nine of chapter twenty-five of the laws of nineteen hundred and nine, entitled "An act in relation to general business, constituting chapter twenty of the consolidated laws" is hereby repealed.

§ 3. This act shall take effect immediately.

(No. 29.)

AN ACT to amend the agricultural law, entitled "An act in relation to agriculture, constituting chapter one of the consolidated laws," in relation to samples of milk that have been tested at butter and cheese factories and to licenses to be issued by the commissioner of agriculture.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Chapter nine of the laws of nineteen hundred and nine, entitled "An act in relation to agriculture, constituting chapter one of the consolidated laws," is hereby amended by adding thereto two new sections, to be known as sections thirty-three-a and thirty-three-b, to read as follows:

§ 33-a. Samples of milk; how to be kept for analysis; provision for retest.—Whenever a manufacturer of butter or cheese purchases milk upon the basis of the amount of fat contained therein, and to determine the amount of fat contained therein from samples kept for stated or irregular intervals, he shall keep such samples in tightly stopped bottles which are made of transparent colorless glass with the patron's number conspicuously and securely attached thereto. Whenever the test of such samples so kept is made the patron whose sample is thus tested shall be notified of the result of such test immediately or as soon thereafter as conditions will permit, and all the samples which have been thus examined shall be kept intact and under the same conditions under which they were kept prior to making the test, and shall be kept in such condition at least five days after such test has been publicly announced or conspicuously posted upon the outside of the building where the milk is delivered and received, and the sample shall be kept an additional five days if a request is made for such further keeping by the commissioner of agriculture or his agent or representative. On the request of any patron the sample representing the milk or cream delivered by him shall be again tested in his presence, or on his request the sample shall be sealed and sent to the New York State College of Agriculture at Ithaca for a retest. Said college shall, upon receiving such sample or samples, immediately retest them or cause them to be retested and report the result thereof to the factory from which they were sent, and also to the patron who requested such sending, providing the names and addresses of such factory and patron are furnished to the said college.

§ 33-b. Examination for license; issuing of licenses by the commissioner of agriculture.—No person not an employee of the department of agriculture of the state of New York shall make tests of milk or cream delivered at any butter or cheese manufacturing establishment or other place where milk is bought or received, its value being based upon its fat content, to determine the value thereof until he has first secured a license from the commissioner of agriculture of the state of New York, which license shall certify that said person has been duly examined and found qualified to make such test or tests. The commissioner of agriculture shall from time to time hold or cause to be held such examinations by judicial districts for persons applying therefor to determine their fitness to examine milk or cream by the most approved methods to determine the amount of fat contained therein or the value thereof. After each and every such examination the commissioner of agriculture shall issue a license to each of the persons found to be qualified to make such test; such license shall qualify the party to whom issued to make such tests of milk and cream as above provided. Such license may be revoked by the commissioner of agriculture upon satisfactory evidence being placed before him, showing that the person so licensed has made either improper tests or improper or incorrect reports thereof.

§ 2. This act shall take effect November first, nineteen hundred and nine.

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(No. 30.)

AN ACT to amend the general city law, in relation to examination and registration of certain classes of persons intending to conduct the plumbing business.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Sections forty-five and forty-six of chapter twenty-six of the laws of nineteen hundred and nine, entitled "An act in relation to cities, constituting chapter twenty-one of the consolidated laws," are hereby amended to read, respectively, as follows:

§ 45. Examinations; conducting business without certificate prohibited.—A person desiring or intending to conduct the trade, business or calling of a plumber or of plumbing in a city of this state as employing or master plumber, *either in his own behalf, or as agent, manager or superintendent for persons, firms or corporations not being plumbers*, shall be required to submit to an



examination before such examining board of plumbers as to his experience and qualifications for such trade, business or calling, and it shall not be lawful in any city of this state for a person to conduct such trade, business or calling, *either in his own behalf, or as agent, manager or superintendent for persons, firms or corporations not being plumbers*, unless he shall have first obtained a certificate of competency from such board of the city in which he conducts or proposes to conduct such business.

§ 46. Registration; where required.—Every employing or master plumber carrying on his trade, business or calling in any city of this state, *either in his own behalf, or as agent, manager or superintendent for persons, firms or corporations not being plumbers*, shall register his name and address at the office of the board of health of the city in which he shall conduct such business, under such rules as the respective boards of health of each of the cities shall prescribe, and thereupon he shall be entitled to receive a certificate of such registration, provided, however, that such employing or master plumber shall at the time of applying for such registration hold a certificate of competency from an examining board of plumbers.

§ 3. This act shall take effect immediately.

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(No. 31.)

AN ACT to establish the department of industries and immigration, and prescribing its powers and duties and making an appropriation therefor.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Short title.—This act shall be know as the Industrial and Immigration Law.

§ 2. Department established; appointment; term of office.—There is hereby created a department of industries and immigration, which shall possess the powers and duties hereinafter specified, and also all powers necessary or proper to enable it to carry out the purposes of this act. The commissioner of industries and immigration shall be the chief of the department hereby created. He shall be appointed by the governor, by and with the advice and

consent of the senate. His term of office shall be five years. He shall be paid an annual salary of three thousand dollars.

§ 3. Officers and employees.—The commissioner of industries and immigration shall have power to employ, during his pleasure, a secretary, and such counsel, officers, clerks, inspectors, experts and employees as he may deem necessary to carry out the provisions of this act, or to perform the duties and exercise the powers conferred by law upon the commission.

§ 4. Oath of office.—The commissioner and each person appointed to office by him shall, before entering upon the duties of his office, take and subscribe the constitutional oath of office.

§ 5. Office of department.—The principal office of the department shall be in the city of Albany, in rooms designated by the trustees of public buildings. The department shall have an official seal to be furnished and prepared by the secretary of state as provided by law. The offices shall be supplied with all necessary books, maps, charts, stationery, office appliances, to be paid for in the same manner as other expenses authorized by this act.

§ 6. Salaries and expenses.—The secretary, all counsel, officers, clerks, inspectors, experts and employees of the department shall receive the compensation fixed by the commissioner. The commissioner, secretary, all counsel, officers, clerks, inspectors, experts and employees, shall have reimbursed to them all actual necessary traveling and other expenses and disbursements incurred or made by them in the discharge of their official duties.

§ 7. Payment of salaries and expenses.—All salaries and expenses of the department shall be audited and allowed by the state comptroller and paid monthly by the state treasurer upon the order of the comptroller, out of the funds provided therefor.

§ 8. Reports of department.—All proceedings of the department and all documents and records in its possession shall be public records, and the department shall make an annual report to the legislature on or before the fourth Monday of January in each year. Five hundred copies of such report, in addition to the regular number prescribed by law, shall be printed as a public document of the state, bound in cloth, for the use of the commissioner and to be distributed by him in his discretion to corporations and persons interested therein.

§ 9. Duties.—The department of industries and immigration shall be charged with the work of looking to the promotion of

manufacturing and other industries and all matters tending to the industrial development of the state, with the collection, publication and dissemination of information in regard to undeveloped and unused water powers, locations for manufacturing establishments, distribution of labor of all kinds and as to localities, character, accessibility (costs and modes of utilization of soils) and more specifically to the inducement of capital and desirable immigration by the dissemination of information relative to the advantages of the soil and climate, and to the natural resources and industrial opportunities offered in this state so that it may be shown that industrial occupations are open, where labor is most needed, and where good conditions of living exist, in order to secure a better distribution of manufacturing and labor; to inform of conditions, rights and opportunities, prevent injustices, imposition and extortion upon the immigrant; and to perform such other acts as will tend to increase production of all kinds and improve opportunities for employment in the state.

§ 10. Employment agencies' records.—All employment agencies regularly licensed in New York state shall keep record of the nationality of applicants and of those placed in positions, the length of time in the country, recording those less than five years in the country, and those sent out of the city in which the agency is located, as well as the names and addresses of the parties to which applicants are sent.

The names of all applicants sent by licensed employment agencies out of the city shall be reported in writing within twenty-four hours from the time of sending to the New York state department of industries and immigration. Such report shall state the names of applicants, the names and addresses of the parties to whom sent and the occupations for which they were consigned, and the compensation agreed upon.

Any officer, agent or inspector of the department of industries and immigration shall be authorized and empowered to examine and inspect all books and records of licensed employment agencies in this state.

§ 11. Powers of commissioner.—That in order to facilitate the collection and collation of exact information of the resources of the state and to be able to show where labor is needed and the conditions governing it, the heads of the several departments of the state and of state institutions are hereby required to furnish ac-



curately such information as may be at their command to the commissioner when called upon for the same.

The commissioner of industries and immigration, his secretary, all counsel, officers, clerks, inspectors, experts and employees of the department shall have full access to all places of business, factories, farms and buildings in prosecution of the work under this statute and the persons or corporations operating the same shall furnish such information as may not be injurious to their business, when requested.

The commissioner shall have power to issue subpoenas and administer oaths and examine witnesses in matters pertaining to the administration of the department of industries and immigration.

§ 12. Attendance of witnesses and their fees.— All subpoenas shall be signed and issued by the commissioner or by the secretary of the commissioner and may be served by any person of full age. The fees of witnesses required to attend before the commissioner, shall be two dollars for each day's attendance, and five cents for every mile of travel by the nearest generally traveled route in going to and from the place where attendance of the witness is required, such fees to be paid when the witness is excused from further attendance; and the disbursements made in the payment of such fees shall be audited and paid in the same manner provided for the payment of salaries and expenses of the commissioner.

If a person subpoenaed to attend before the commissioner fails to obey the command of such subpoena, without reasonable cause, or if a person in attendance before the commissioner shall, without reasonable cause, refuse to be sworn or to be examined or to answer a question or to produce a book or papers, when ordered so to do by the commissioner, or to subscribe and swear to his deposition after it has been correctly reduced to writing, he shall be guilty of a misdemeanor and may be prosecuted therefor in any court of competent jurisdiction.

§ 13. Penalties.— Violation of any of the provisions of this act shall constitute a misdemeanor, and may be prosecuted in any court of competent jurisdiction.

§ 14. Appropriation.— There shall be appropriated for the use of the department of industries and immigration, and for the payment of salaries and disbursements under this act, from money not otherwise appropriated, the sum of twenty thousand dollars.

§ 15. Time of taking effect.— This act shall take effect immediately.

(No. 32.)

AN ACT to regulate the crossing and occupation of the streets, avenues and public grounds in the city of Buffalo by steam railroads, and to provide for the maintenance of viaducts and subways constructed in said city for the separation of grades at steam railroad crossings, and the payment of damages in proceedings therefor.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. It shall be lawful for the commissioners who were appointed by chapter three hundred and forty-five of the laws of eighteen hundred and eighty-eight, entitled "An act to provide for the relief of the city of Buffalo and to change and regulate the crossing and occupation of the streets, avenues and public grounds in said city by railroads," and their successors duly appointed, to continue to exercise the powers conferred upon them by said act and by the acts amendatory thereof and supplementary thereto in the manner and to the extent therein prescribed, except as hereinafter provided. Every contract or agreement hereafter made by and between said commissioners or the city of Buffalo, of the one part, and any steam railroad company or companies in said city, of the other part, shall expressly provide that the said railroad company or companies, party or parties thereto, shall be charged with the duty of maintaining, at its or their entire cost, all viaducts, subways and other structures erected pursuant to said contract or agreement, by which the tracks of said company or companies shall be carried over or under any street, avenue or public place, or by which any street, avenue or public place shall be carried over or under the tracks of said company or companies; anything in said chapter three hundred and forty-five of the laws of eighteen hundred and eighty-eight, or in the acts amendatory thereof or supplementary thereto, to the contrary notwithstanding. Every such contract or agreement shall also provide expressly that the said steam railroad company or companies, party or parties thereto, shall bear the entire amount of all damages lawfully accruing from the appropriation of lands and the entire amount of all damages lawfully accruing to lands, made necessary or caused by any alteration of the grade of streets, avenues or public places, or of railroad tracks or otherwise, anything in said chapter three hundred and forty-five of the laws of eighteen hundred and eighty-eight, or of the acts amendatory thereof or supple-

mentary thereto, to the contrary notwithstanding. No such contract or agreement hereafter made between said grade crossing commission or commissions, or the city of Buffalo, of the one part, and any railroad or other company or companies, person or persons, of the other part, except street surface railroad companies shall be binding on said city of Buffalo unless it contains the provisions and conditions hereby required.

§ 2. All acts or parts of acts inconsistent with this act are hereby repealed so far only as they are inconsistent herewith.

§ 3. This act shall take effect immediately.

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(No. 33.)

AN ACT to amend the agricultural law, entitled "An act in relation to agriculture, constituting chapter one of the consolidated laws," in relation to inspection and sale of seeds.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Chapter nine of the laws of nineteen hundred and nine, entitled "An act in relation to agriculture, constituting chapter one of the consolidated laws," is hereby amended by adding at the end thereof a new article to be known as article sixteen to read as follows:

ARTICLE XVI.

*Inspection and sale of seeds.*

§ 360. *Inspection and sale of seeds.*—No person shall sell, offer, expose or have in his possession for sale for the purposes of seeding, any seeds of cereals, grasses, clovers or forage plants in quantities exceeding one pound, unless every receptacle, package, sack or bag containing such seeds, or a label securely attached thereto, is marked in a plain indelible manner as follows; and said marks shall be on the receptacle, package, sack or bag itself if there is more than ten per centum of injurious foreign seed:

a. *With the full name and address of the seller.*

b. *With the name of the kind or kinds of seeds except in the case of mixtures prepared for special purposes, when so labeled, and the name of any foreign injurious seeds present to the extent of five per centum or over by count and the name and per centum of the following adulterants if present, which adulterants shall not be taken into consideration when estimating the five per centum herein above referred to: Yellow trefoil in red clover; yellow*



*trefoil, burr clover, sweet clover or dodder, in alfalfa; Canadian blue grass in Kentucky blue grass; meadow fescue or rye grass in orchard grass; yellow trefoil in alsike clover.*

*c. With the claimed per centum of purity of the sample by count which shall be not more than five above the per centum determined by official examination.*

§ 2. Samples of seed shall be taken in duplicate, both samples to be sealed promptly and one to be tendered and, if accepted, to be delivered at the time of taking to the person apparently in charge and a receipt taken therefor, unless refused. No action shall be maintained for violation of this statute if the seed was not sold or exposed for sale. The commissioner of agriculture is hereby authorized to publish from time to time the results of seed examination, together with the names and addresses of dealers from whom the samples examined were taken.

§ 3. This act shall take effect July one, nineteen hundred and nine.

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(No. 34.)

AN ACT to amend the general business law, in relation to trade marks.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Chapter twenty-five of the laws of nineteen hundred and nine, entitled "An act relating to general business, constituting chapter twenty of the consolidated laws," is hereby amended by adding thereto, after section three hundred and sixty-six thereof, a new section, to be section three hundred and sixty-seven thereof, to read as follows:

§ 367. Further provisions concerning trade marks on articles of merchandise.—Any person or corporation engaged in manufacturing, packing, bottling or selling any article of merchandise, put up by him for sale in any bottle, vessel, box, package or other receptacle with his name, trade mark, label, or private mark appearing in any way thereon, or branded, stamped, affixed, blown or impressed thereon, may file in the office of the secretary of state, and in the office of the county clerk of the county where the same is manufactured, packed, bottled or put up for sale, or where his, its or their principal place of business is situated, or if such per-

son or corporation shall manufacture, pack or bottle outside of this state, then in any county of this state, and also in the office of the secretary of state, a description, specimen or facsimile of the name, trade mark, label or other private mark so appearing thereon or so branded, stamped, affixed, blown, impressed or otherwise marked thereupon, and he shall thereupon be deemed the proprietor of such name, trade mark, label, or other private mark. The secretary of state shall deliver to such person or corporation so filing the same, a certificate under his seal of the record of such label, trade mark or other private mark. Any person or corporation so filing said description, specimen or facsimile may publish the same once a week for at least three weeks successively in a newspaper published in said county, except in New York and Kings counties, where such publication shall be for the same length of time daily in two newspapers therein. Such a certificate granted by the secretary of state under this act and proof of publication as aforesaid shall be prima facie evidence of the ownership and use of the trade mark and label by the persons therein named, in any actions under this statute. Such certificate shall be prima facie evidence of the ownership and use of any label or trade mark therein described by the persons therein named in any prosecution or action under any of the statutes of this state, where proof of such ownership and use is necessary, and in any action or proceeding brought for the purpose of recovering damages for the violation of said trade mark or of preventing infringement thereof. This statute, however, shall not be construed as preventing the proof of any such label or trade mark and the use thereof in any other lawful manner in use prior to the passage of this act.

The secretary of state shall not record, register, or file any label, trade mark or other private mark identical with or so similar to any other label, trade mark or other private mark theretofore filed or registered as above provided as would be calculated to deceive, unless it shall be proven to his satisfaction that the person or corporation lastly applying for the registry of such label, trade mark or other private mark shall be entitled thereto, and the rightful owner thereof by prior adoption, in which case the date of the adoption shall determine the ownership and shall be proven by affidavits of persons conversant with such dates. In case the secretary of state becomes satisfied, after hearing the said affidavits, that the person or corporation last applying for registry is entitled by priority of adoption to register such label, trade mark or other private mark, he shall revoke the first registry thereof and re-

register the same in the name of said persons last applying therefor. The supreme court may also, in an action brought for that purpose by any person aggrieved thereby against any person who has already filed or registered any such label, trade mark or other private mark, direct the revocation of any such registration where it shall determine that the person who has already registered the same is not the rightful owner of any such label, trade mark or other private mark.

No person other than such proprietor of such label, trade mark or other private mark which has been filed in the office of the secretary of state and in the office of the county clerk, as aforesaid, shall sell, keep or offer for sale in, from, or out of, or fill, place or put into, any vessel, box, package, bottle or receptacle on which any such names, labels or marks in any manner appear, and while so branded, stamped, labeled, blown, impressed or marked, any article or substance other than the original contents placed therein by the proprietor of the label, trade mark or other private marks thereon, or sell, keep or offer for sale any article or substance in, from or out of, or fill, or place or put any article or substance into any vessel, box, package, bottle or receptacle on which said label and trade mark in any manner appears or which shall bear or have branded, stamped, labeled, blown, impressed or otherwise marked thereon, any imitation or counterfeit of any such label, trade mark or other private mark so filed in the office of the secretary of state and county clerk as aforesaid. No person other than such proprietor in such cases where filing and publication is made as aforesaid, shall remove, deface or obliterate any device, brand, stamp, mark, name, trade mark or other private marks impressed, stamped or blown into the substance of which any such vessel or receptacle is composed, without the written permission of such proprietor or unless there has been a sale to such person of such vessel or receptacle exclusive of the contents thereof by such proprietor.

No person other than such proprietor shall, without his permission, use, traffic in, purchase, sell, dispose of, convert, mutilate, destroy or wilfully or unreasonably refuse to return or deliver to such proprietor on demand, any such vessel or receptacle belonging to such proprietor, which is branded, stamped or marked by having any such registered design, device, name or mark blown or impressed into the substance of which the vessel or receptacle is composed, or sell or dispose of any such vessel or receptacle without obliterating or defacing such label, trade mark or other



private mark if such obliterating or defacing can be done without substantial injury to the vessel or receptacle on which it appears or to which it is affixed, providing filing and publication has been made as aforesaid.

Nothing herein contained shall be construed as preventing the traffic in any bottles or other receptacles without contents, with or without obliteration or defacement of the trade mark upon it, when such trade mark can be obliterated or defaced without substantial injury to the bottle or receptacle, the intention of this section being to protect the owners of trade marks and labels against imitation and refilling of all packages and receptacles while bearing such trade marks. Each act of refilling, each sale, each imitation, each counterfeit and each offering for sale shall be construed as constituting a separate and distinct violation of this act. Any person violating any provision of this section shall forfeit to such proprietor one hundred dollars for each such violation. Written permission of such proprietor to do the specific act complained of shall be a complete defense to any action therefor under this section. Nothing in this act shall prevent, lessen, impeach, or avoid any remedy at law or in equity which any party aggrieved by any wrongful use of any trade mark might have had if this act had not been passed, and nothing herein contained shall prevent or avoid or defeat any prosecution under any of the existing penal or other statutes of this state. It is not intended hereby to repeal any of the existing penal or civil statutes or remedies relating to trade marks, labels, bottles or packages.

§ 2. This act shall take effect immediately.

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(No. 35.)

AN ACT providing for the erection of a boat-house, shelters, wharves and retaining walls at the city of Buffalo for the third separate division of the naval militia, upon lands of the state in the city of Buffalo, and making an appropriation therefor.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. The treasurer shall pay on the warrant of the comptroller, the sum of twenty-five thousand dollars (\$25,000), or so much thereof as may be necessary, which sum is hereby appro-

priated from any money in the treasury, not otherwise appropriated, for the erection and construction of a boat-house, shelters for boats, gear and equipment, wharves, runways, retaining walls, slips, boat landings, and for such necessary piling and materials, labor and other expense as may be attendant upon the the erection and construction thereof, at the city of Buffalo, for the third separate division of the naval militia, to be expended under the direction of the armory commission for naval militia. But no part of this appropriation, except for plans and expenses of the commission, shall be expended by the said commission until an indefeasible title, to be approved by the attorney-general to said site, and to be approved by said commission, free from all incumbrances, without expense to the state, shall be vested in the people of the state, nor until said commission shall have provided for and approved plans and specifications of said building or buildings, and shall be satisfied that the buildings, including necessary sewerage, and necessary expense of the commission and for superintendence and inspection of the work, can and will be completed within the limits of the sum herein appropriated.

§ 2. Said boat-house, shelters for boats, gear and equipment, wharves, runways, retaining walls, slips, boat landings, piling and other necessary structures, shall be erected and constructed upon land owned by the state of New York, situate in the city of Buffalo and bounded on the north by the north line of Connecticut street, extended, on the east by the lands of the New York Central and Hudson River Railroad Company, on the south by the south line of Connecticut street, extended, and on the west by the established bulkhead line in Black Rock Harbor, and said lands and the approach thereto by water are hereby appropriated by the state for such purpose, title thereto to be in the state.

§ 3. Whenever the commission above named shall have incurred any expenditure under this act, or any sum or sums shall become due under any contract authorized by this act, they shall make and file with the comptroller a statement thereof under their hands, and the comptroller shall thereupon examine and audit the same and draw his warrant upon the treasurer for the sum he shall find to be due.

§ 4. The title of said land shall be vested in the people of the state of New York, and in case the land or any part thereof cannot be obtained by agreement with the owner or owners thereof, the said commission shall acquire title thereto by the exercise of the right of eminent domain in proceedings duly taken and had

under and in accordance with the provisions and requirements of the condemnation law.

§ 5. Plans and specifications for all work shall be prepared in detail and shall receive the approval of said commission, and all work upon said structures shall be done by contract, executed by and between the contractor or contractors and said commission, which contract or contracts shall be awarded to the lowest responsible bidder or bidders after due publication and advertisement based upon said plans and specifications.

§ 6. Contractor or contractors for such construction shall before commencing the same, make and execute to the state a bond in such sum and with such surety as said commission shall prescribe, conditioned for the faithful performance of such work of construction.

§ 7. Of the amount hereby appropriated, the sum of ten thousand dollars, or so much thereof as may be necessary, shall be paid by the treasurer on the warrant of the comptroller during the year nineteen hundred and nine; and ten thousand dollars, or so much thereof as may be necessary, together with any unexpended balance of the amount hereby made available during the year nineteen hundred and nine shall be paid in like manner during the year nineteen hundred and ten.

§ 8. This act shall take effect immediately.

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(No. 36.)

AN ACT to amend the penal law, in relation to payment of wages by corporations.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Section twelve hundred and seventy-two of chapter eighty-eight of the laws of nineteen hundred and nine, entitled "An act providing for the punishment of crime, constituting chapter forty of the consolidated laws," is hereby amended to read as follows:

§ 1272. Payment of wages.—A corporation or joint stock association or person carrying on the business thereof, by lease or otherwise, who does not pay the wages of *all* its employees in cash or check [weekly or monthly as provided in article two] in accordance with the provisions of the labor law, is guilty of a misdemeanor, and upon conviction therefor, shall be fined not less



than [twenty-five] one hundred nor more than [fifty] ten thousand dollars for each offense. Every director, officer or agent of any such corporation or joint stock association, having a duty to act in the premises, who shall neglect, fail, refuse or omit to pay or cause to be paid in cash or check all of the employees of such corporation in accordance with the provisions of the labor law, is guilty of a misdemeanor; provided, however, that if, on any pay day, any employee shall be absent from his regular place of labor it shall be lawful to pay him at any time thereafter on demand. An indictment of a person or corporation operating a steam surface railroad for an offense specified in this section may be found and tried in any county within the state in which such railroad ran at the time of such offense.

§ 2. This act shall take effect September first, 1909.

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(No. 37.)

AN ACT to amend the forest, fish and game law, generally.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Chapter twenty-four of the laws of nineteen hundred and nine, constituting chapter nineteen of the consolidated laws, known as the forest, fish and game law, is hereby amended by adding thereto a new section to be known as section seventy-five-a and amending sections four, eleven, thirteen, fourteen, forty, fifty-six, sixty-seven, sixty-eight, sixty-nine, seventy, seventy-one, seventy-three, seventy-four, seventy-eight, eighty-two, eighty-four, eighty-eight, ninety-one, ninety-two, ninety-eight, one hundred and six, one hundred and nine, one hundred and thirteen, one hundred and seventeen, one hundred and twenty-four, one hundred and twenty-six, one hundred and thirty-four, one hundred and fifty, one hundred and fifty-two, one hundred and fifty-three and two hundred and forty as follows:

§ 4. Office and clerical force.—The commissioner shall have an office in the capitol at Albany, and may lease an office in the borough of Manhattan or in the borough of Brooklyn for the sale or lease of lands under water, as provided by law. The commissioner may appoint a general secretary and a confidential secretary, a superintendent of forests, an assistant superintendent of forests and such other clerical assistants as are actually needed

and fix their compensation. The superintendent of forests and in his absence or inability to act, the assistant superintendent of forests, shall, subject to the direction of the commissioner, save general supervision of the forest preserve and the forestry interests of the state, and shall enforce all laws and regulations for the protection and preservation of the forest preserve, and public parks described in this chapter. *The assistant superintendent of forests, when directed by the commissioner so to do, shall perform all acts required to be performed by the commissioner under sections sixty-eight, sixty-nine, seventy and seventy-one of this chapter.*

§ 11. Game protectors.—The commissioner shall appoint **[eighty]** *one hundred* game protectors. At least one shall reside in each of the counties of Essex, Clinton, Franklin, Saint Lawrence, Jefferson, Lewis, Herkimer, Hamilton, Warren and Washington, and the next eight protectors shall be appointed from said counties. The protectors shall hold office during the pleasure of the commissioner and the commissioner shall from time to time designate from the protectors a chief game protector and a first, second, third **[and]**, fourth, *fifth and sixth* assistant chief game protectors, *four division chiefs*, and a protector for the Saint Lawrence river. The commissioner may appoint two additional game protectors who shall be assigned to enforce the law for the protection of fish in Jamaica bay and adjacent waters as prescribed by the forest, fish and game law, and also shall perform such duties as said commissioner may direct. The chief game protector shall have general supervision and control of all protectors. *Civil service examinations for protectors of all grades shall be confined to counties.*

§ 13. Compensation of game protectors.—The chief game protector shall receive an annual salary of two thousand five hundred dollars a year and his actual and necessary expenses while in the discharge of his official duties, not exceeding one thousand dollars a year. The first assistant chief protector shall receive one thousand four hundred dollars a year. The chief protector, or the first assistant chief protector during such time as he shall be required by the commissioner to reside constantly in Albany shall receive an additional salary at the rate of fifty dollars per month together with his necessary traveling and incidental expenses while absent from the city of Albany in the discharge of his official duties. The second, third **[and]**, fourth, *fifth and sixth* assistant chief protectors shall each receive one thousand two hundred dollars a year. *Each division chief shall receive one thousand*

*dollars a year.* Each assistant chief protector *and each division chief* shall receive his necessary traveling and incidental expenses while in the discharge of their official duties not exceeding seven hundred and fifty dollars a year. Other protectors shall receive nine hundred dollars a year and an allowance for expenses not exceeding five hundred dollars a year. Each of the two game protectors appointed to protect fish in Jamaica bay shall receive not to exceed thirteen hundred dollars a year and actual and necessary traveling and incidental expenses while in the discharge of their official duty, not exceeding four hundred and fifty dollars each year.

§ 14. Powers of game protectors.—Game protectors shall enforce all laws relating to fish, birds and game; all laws of boards of supervisors relating to the same; and shall have power to execute all warrants and search warrants issued for a violation of this chapter; to serve a summons issued from justices' court; to serve subpoenas issued for the examination and investigation or trial of offenses against any of the provisions of said law; to make search where they have cause to believe that fish or game is possessed in violation of law, and without search warrant to examine the contents of any boat, car, box, locker, basket, creel, crate, gamebag or other package, and the contents of any building other than a dwelling house, to ascertain whether any of the provisions of this chapter or of any law for the protection of fish, shellfish, and game have been or are being violated, and to use such force as may be necessary for the purpose of such examination and inspection; and with a search warrant to search and examine the contents of any building or dwelling house; *seize all game animals, birds or fish, possessed in violation of law and hold the same subject to the order of the commissioner*; to arrest without warrant any person committing a misdemeanor under the provisions of this chapter in their presence, and take such person immediately before a magistrate having jurisdiction for trial. *Any regular or special game protector, fire superintendent or fire patrolman or inspector who shall compromise or settle any violation of the forest, fish and game law out of court, or without the order of the forest, fish and game commissioner shall be guilty of a misdemeanor.*

§ 40. Powers of commissioner.—The commissioner shall:

1. Have the care, control and supervision of the forest preserve and all public parks described in this article; and make from time



to time rules for the use, care and administration thereof and enforce the same; but no such rule shall affect the free use of any road or waterway as the same may have been heretofore lawfully used, or may be reasonably required in the prosecution of lawful business.

2. Lay out roads and paths in such public parks [and issue licenses on such terms as he may impose for guides or other persons engaged in business therein.] *and make reasonable rules and regulations governing the conduct of all guides and persons engaged in guiding on the lands within the forest preserve counties of the state. No one shall act as a guide upon the lands aforesaid without a license from the commissioner, which shall be granted by the commissioner and held by the guide under and in accordance with the rules and regulations established by the commissioner as hereinbefore provided. Any person who violates the provisions of this paragraph shall be guilty of a misdemeanor and for the first offense shall be fined not less than ten dollars nor more than fifty dollars and for a second offense not less than twenty-five dollars nor more than seventy-five dollars, and for a third and subsequent offense not less than fifty dollars nor more than one hundred dollars, or shall be imprisoned not more than thirty days, or both.*

3. Possess all the powers relating to the forest preserve and the Adirondack park which were vested in the commissioners of the land office and in the comptroller on May fifteenth, eighteen hundred and eighty-five. The commissioner shall also appoint all foresters necessary for tree, garden and forestry work.

4. Make rules for the prevention of forest fires and cause the same to be posted in all proper places throughout the state.

5. Prepare and distribute tracts giving information on the care and renewal of private woodlands, and with the approval of the commissioner of education and the regents of the university, supply to schools, academies and colleges the means of instruction in forestry.

6. Said commissioner may and is hereby given the exclusive power to bring, in the name of the people of the state, any action or special proceeding in a court of justice or before the comptroller of the state to set aside the cancellation of any sale of land for taxes or to ascertain and determine the title to lands in the Adirondack park or in the forest preserve, claimed by any person or persons, association or corporations adversely to the state, and, if such lands are held or occupied by or under such claimants, to

recover the possession thereof; and to demand an accounting and recover damages for any timber cut or moved from any lands involved in any such action, and, if demanded in the complaint, to recover triple damages therefor; and for such purposes may bring any action or special proceeding which an owner of lands would be entitled to bring. Said commissioner may make any demand, tender or offer, before or after commencing any action or special proceeding, deemed necessary or proper for the purpose of entitling it to enforce or defend any right or claim on behalf of the state, and may, in its discretion, settle and compromise any suits and special proceedings authorized by this section and adjust the claims involved therein. Said commissioner may employ attorneys and counsel to prosecute any such action or special proceedings, or to defend any such action or special proceeding or any action or proceeding brought against the commissioner or any of its members, arising out of their official conduct with relation to the forest preserve. The compensation and disbursements of such attorneys and counsel shall be fixed by the commissioner. All such actions shall be brought in the county where the lands are located, and a preliminary or final injunction may, on application in an action brought under this section, be granted restraining any act or trespass, waste or destruction upon any lands within the Adirondack park, or in the forest preserve, claimed or owned by the state, or which may hereafter be acquired by the state.

§ 56. Regulations as to cutting timber.—Persons entitled to cut and remove timber under this article, may use streams or other waters belonging to the state within the forest preserve for the purpose of removing such timber, under such regulations and conditions as may be prescribed or imposed by said board. The persons using such waters shall be liable for all damages caused by such use. *Every person who shall, within the forest preserve counties of the state, cut or cause to be cut, or allow to be cut any trees for sale or other purposes, shall cut off or lop or cause to be cut off or lopped from the said trees, at the time of cutting the said trees, all the limbs or branches thereof, unless the said trees be cut for sale and use with the branches thereon, or for use with the branches thereon. The said person shall also in cutting and felling said trees lay flat upon the ground all smaller material necessarily cut or knocked down, not leaving brush piled in heaps except where it is so piled for the purpose of burning in the clearing of land. Any person violating the provisions of this section*

*shall be guilty of a misdemeanor and shall, upon conviction, be fined not more than twenty-five dollars or shall be imprisoned for not more than thirty days, or both, for each offense.*

§ 67. **[Chief fire warden and foresters.—**The commissioner shall appoint a chief fire warden who shall receive an annual salary of eighteen hundred dollars and his necessary traveling expenses and who shall have supervision of town fire wardens, visit and instruct them in their duties and enforce the law as to fire districts in towns, and under the authority of the commissioner commence prosecutions for violations of law to prevent forest fires; and may from time to time employ expert foresters and foremen of laborers, all of whom shall hold office during the pleasure of the commissioner and perform such duties for the preservation of forests as the commissioner shall prescribe.]

*Auditor of fire accounts and fire inspectors.—*The commissioner may appoint an auditor of fire bills and accounts, who shall receive an annual salary of eighteen hundred dollars a year and his necessary traveling expenses, and who shall audit fire bills when reported to the commissioner, as hereinafter provided, and perform such other acts as the commissioner may from time to time direct. The person now chief fire warden is hereby transferred to the position of auditor of fire accounts. The commissioner may also appoint fire inspectors, at least four of whom may, during seasons of the year when forest fires occur, serve along lines of steam railroads in the forest preserve counties of the Adirondacks. They shall inspect such railroads and the engines thereon, reporting to the commissioner, the condition thereof for the purposes of fire prevention, and perform such other duties in preventing forest fires and protecting the forest and reforestation as the superintendent of forests or the commissioner shall direct. They shall also have the powers of game protectors, and shall each receive an annual salary of nine hundred dollars and an allowance for expenses not exceeding five hundred dollars.

§ 68. **[Fire patrol.—**Whenever in the judgment of the commissioner it is necessary to protect the forests from fire, he shall organize and, as long as necessary, maintain a fire patrol along the lines of railroads in forests in counties containing parts of the forest preserve, and at such other places in such counties as the public interest requires. Such patrol shall be organized and maintained under the chief fire warden and inspectors, who shall themselves be placed in charge of sections of the exposed areas as



fire patrols. Game protectors may, so far as the public interest will permit, be detailed as additional assistant fire wardens for such patrol under the chief fire warden. The commissioner may also in case of immediate peril from fire, with the consent of the governor, employ temporarily such additional assistants to maintain an efficient fire patrol as the public interest requires. The chief fire warden and inspectors when engaged in inspection of railroad lines and engines or on fire patrol duty on railroad lines, as herein provided, shall be transported without charge from point to point, as their duties shall require, by the railroad companies on whose lines such fire patrol and inspection are maintained. The commissioner shall keep account of the cost of maintaining any such fire patrol and system of inspection along the line of a railroad in the forest preserve, including therein the salaries, expenses and wages of public officers or employees directly engaged in maintaining such patrol for the time that the said patrol and inspection are maintained, and one-half the cost thereof during the preceding year shall be paid by the railroad company on the first day of December of each year to the commissioner. The commissioner may also organize in any town in the forest preserve a fire patrol during the season when fires occur. One-half the expense thereof shall be a town charge, and one-half shall be paid by the state unless according to the last assessment-roll of such town more than one-half of the landed property therein in value is the property of the state, in which case the state shall pay such a proportion of the cost of such patrol as the value of the lands held by the state bears to the entire assessed valuation of such town, and the remainder shall be a town charge. If the state pay the whole amount, the commissioner may collect the amount payable by any town of such town.】

*Fire patrol by railroads.*—All railroads operated through forests in the forest preserve counties of the state shall at their own expense organize and maintain a competent and efficient fire patrol to protect the forests from fires which may be set or occur upon or adjacent to the rights of way or lands of such railroads, and unless otherwise directed by the commissioner such patrol shall be maintained continuously from April first to November first of each year. If such railroads do not organize and maintain such fire patrols, or if in the judgment of the commissioner they do not organize and maintain fire patrols which are adequate and sufficient to protect and save the forests from fires which may be set

or occur upon or adjacent to rights of way or lands of such railroads, then the commissioner shall organize and maintain such fire patrol in such manner and under such rules and regulations as he shall from time to time deem proper. Game protectors may, as far as public interest will permit, be detailed by the commissioner to act as such patrols. The persons placed upon patrol of railroad lines and lands and railroad rights of way, and lands and ways adjacent thereto, as herein provided, shall be transported without charge from point to point, as their duties shall require, by the railroads along whose lines such fire patrol is being maintained. The commissioner shall keep, or cause to be kept, an account of the cost of organizing and maintaining such fire patrol along the line of any such railroad, including therein the salaries, expenses and wages of public officers or employees engaged in organizing and maintaining such fire patrol, and the total cost thereof shall be paid to the commissioner by the railroad along whose line or lands or rights of way such patrol is maintained, such payment to be made on the first day of December of each year. Any person employed upon fire patrol of such railroads shall immediately report to the commissioner, upon blanks to be furnished by him, every fire started upon the line of the railroad or ways or lands adjacent thereto, within his line of patrol, which runs off the railroad's right of way or lands to other lands, setting forth the origin of such fire and the quantity and quality of the land burned over, and if the fire was started by a locomotive he shall give the number thereof. Such report shall be verified by the person making it and if he be unable to state or ascertain the origin of such fire he shall in his report make oath of such fact. Any person so employed who fails to make such report immediately shall be liable to a penalty of twenty-five dollars, and if he make a false report he shall be guilty of a felony and be punishable therefor.

• § 69. [Fire wardens and fire districts.—The commissioner may from time to time in every town having lands which are part of the forest preserve, and may in every town having lands which would become part of the forest preserve if acquired by the state, appoint a fire warden who shall act during the pleasure of the commissioner. When required by the commissioner, such fire warden shall, and any such fire warden may establish two or more fire districts in his town. He may also, by a written appointment filed in the town clerk's office, from time to time appoint a resi-

dent citizen in each district as district fire warden, who shall act during the pleasure of the fire warden. In every other town the supervisor shall be fire warden by virtue of his office. If the supervisor be absent when fire occurs, or fails to act, any justice of the peace in the town may act as fire warden. If, in a town situated in a county containing lands of the forest preserve, the commissioner is unable to find a suitable person who will accept the position of fire warden, then the supervisor of that town shall act as fire warden and discharge all the duties devolving on that office by law, and shall promptly make to the chief fire warden a report of each forest fire that occurs in his town.】

*Fire districts and fire patrols.*—For the prevention and fighting of forest fires, the commissioner shall, from time to time, make and enforce such rules and regulations as may be necessary and proper for the government and direction of the fire patrol system provided for in this act. Within sixty days after this act shall take effect the commissioner shall divide lands which are in the forest preserve counties of the state into suitable and convenient fire districts; he shall immediately thereafter, for each such fire district, appoint a superintendent of fires who shall act during the pleasure of the commissioner at an annual salary of fifteen hundred dollars and necessary traveling expenses. The commissioner may from time to time transfer such superintendents from one fire district to another. In every town the supervisor shall be a member of the fire patrol by virtue of his office, and shall at all times co-operate with and carry out the directions, rules and regulations of the commissioner in preventing and fighting forest fires. If the supervisor be absent when the fire occurs the commissioner or any superintendent of fires may call upon and compel any member of the town board of the supervisor's town to act in place of and for such absent supervisor. He may formulate and enforce rules and regulations for the organization and maintenance of local fire companies to prevent and fight forest fires in the forest preserve counties of the state, and he may engage such men for that purpose as may be necessary. He shall, when necessary, provide all proper fire-prevention and fire-fighting apparatus and establish observation stations and employ men to attend them. He shall also, when necessary, provide fire signals and adopt a fire signal code for use therewith, and provide such other means of communication as shall be necessary in the public interest to prevent and fight forest fires. He may cause



*trails to be cut, ditches to be dug and barriers to be erected in the forest of such forest preserve counties as may, in his judgment, be necessary to enable all persons quickly to reach the location of fires and to prevent and fight the fires.*

§ 70. [Duties of fire wardens.— Under the commission a fire warden is charged with preventing and extinguishing forest fires in his town. During season of drouth a fire warden may, with the approval of the commissioner, establish a fire patrol in his town. In case of fire in or threatening forest or woodland, the district fire warden, if any, or if none, the fire warden, shall attend forthwith and use all necessary means to confine and extinguish the same. The fire warden may destroy fences, or plow land, or, in an emergency, set backfires to check fire. Either the fire warden or a district fire warden may summon any resident of his town to assist in putting out fires. Any person summoned who is physically able and refuses to assist, shall be liable to a penalty of ten dollars. An action for trespass shall not lie against persons crossing or working upon lands of another to extinguish fire. In case a forest fire burn over more than an acre of land, the fire warden of the town in which it occurs shall make a report thereof to the commissioner, giving the area burned over, the quantity of timber, wood, logs, bark or other forest products, and of fences, bridges and buildings destroyed with an estimate of the value thereof. He shall also report the cause of such fire and the means used in putting it out.]

*Duties of superintendents of fire.— Under the directions of the commissioner the superintendents of fire are charged with preventing and extinguishing forest fires in their respective fire districts and the performance of such other acts as may be required by the commissioner. With the approval of the commissioner each superintendent of fire shall divide his fire district into separate fire patrol districts and subdivide them from time to time as the public interest requires. During seasons of drought, or during other times when forest fires are liable to be set or spread, or at any time when fires threaten the forests, the superintendent for each fire district, upon obtaining the approval of the commissioner therefor, shall employ a suitable person to be known as a fire patrolman permanently to remain upon and patrol one or more of such fire patrol districts as long as may be required, and to prevent and extinguish any fires which may be started thereon. Each such fire patrolman so employed shall be supplied with necessary tents or camps,*

fire fighting implements, food and cooking utensils. All fire patrolmen so employed shall be furnished with a copy of the rules and regulations adopted by the commissioner for preventing and fighting forest fires, and shall at all times strictly observe and comply with these rules and regulations. When forest fires are actually burning or threatening to burn, the commissioner, and in and during his absence, the superintendents of fires may employ a foreman to direct the work of each crew of men who are actually engaged in fighting forest fires. The commissioner and the superintendent of fires, and if they are absent and fires are actually burning in the forest, the fire patrolmen and supervisors may hire horses and incur other necessary expenses and summon any male person of the age of eighteen years and upwards to assist in stopping and putting out fires. Any person summoned who is physically able and refuses to assist, shall be liable to a penalty of twenty dollars. An action for trespass shall not lie against persons crossing or working upon lands of another to prevent or fight fires. The superintendents of fires and fire patrolmen are hereby vested with all the powers of game protectors as defined by section fourteen, article two, part one hereof, and game protectors may be appointed as superintendents of fire or fire patrolmen. Each fire patrolman shall make a report to the superintendent of fires of the district in which he is employed, of every fire which is started or burns upon his fire patrol district, stating the cause or source of such fire, the amount and quality of the land burned over and the means used for fighting the fire. The superintendents of fires shall transmit all such reports to the commissioner, and shall also report all other fires of which they have personal knowledge, giving the particulars thereof as is required from the fire patrolmen. All men employed under the provisions of sections sixty-eight, sixty-nine and seventy of this article shall be exempt from the provisions of the civil service laws of this state.

§ 71. [Compensation of fire wardens and others employed at fires.—Fire wardens and district fire wardens shall receive two dollars and a half a day for time actually employed at forest fires or in the prevention thereof. Each town board of audit may fix the price to be paid per day, not exceeding two dollars, for service of laborers at forest fires in their respective towns, and serve notice thereof on their town fire wardens and on the forest, fish and game commissioner. If necessary to protect land in the forest preserve the commissioner may direct the employment of

laborers at not exceeding two dollars a day, and such direction shall be binding on the towns. All services rendered at forest fires, or in the prevention thereof shall be a town charge. In towns where fire wardens are appointed by the commissioner, bills for services at fires must be approved by the fire warden, and a duplicate bill, with his approval and a certificate of the town board of auditors showing the bill has been paid, filed with the commissioner. On approval of the bills filed with the commissioner the comptroller shall pay one-half the amount so expended in any such town, to the town.]

*Compensation of fire patrolmen and others employed at fires.— Fire patrolmen shall be paid for the time they are actually employed on patrol duty at a compensation fixed by the commissioner, which shall not exceed the rate of twenty-five cents for each hour employed. If a patrolman fails to remain continuously upon and patrol the fire patrol district allotted to him or is negligent in performing his duties upon such patrol the commissioner may as a penalty therefor reduce the compensation of the patrolmen by one-half. All costs and expenses incurred by the commissioner and his appointees, including patrolmen, and authorized by the foregoing sections numbered sixty-nine and seventy, shall be and are hereby made a state charge, and shall be paid by the state on the approval of the commissioner, except the wages and expenses and keeping of supervisors and men summoned or employed to fight forest fires actually burning which shall be paid as hereinafter provided. The wages and expenses and keeping of supervisors and men summoned or employed to fight forest fires actually burning shall be fixed and paid for by the commissioner, and the labor reckoned and paid for by the hours of labor performed, which shall not exceed the rate of twenty cents for each hour employed. The commissioner shall keep, or cause to be kept, an accurate account of the wages of men so employed and the expenses and the keeping of the men and pay the same; one-half the expense thereof shall be a charge upon and shall be paid by the state, and one-half thereof a charge upon and shall be paid by the town in which the men so employed were actually engaged in fighting fires. On or before November tenth of each year the commissioner shall transmit to the county clerk of each of the forest preserve counties in which a forest fire has occurred during the current year a summary statement of the amount due the state on account of such fires from any town or towns in said county. The county clerk shall*



*immediately deliver such statement to the board of supervisors of said county who shall thereupon levy the amount due from each such town to the state upon the taxable property of such town by including the amount thereof in the sums to be raised and collected in the next levy and assessment of taxes therein, and shall be collected as other town charges are collected and by the towns paid over to the commissioner on or before May first following the levy thereof. If any person incurs expense in preventing or fighting forest fires, the commissioner may upon satisfactory proof thereof being made to him audit and pay the whole or any part thereof as the public interest requires and half to be rebated by the town as hereinafter provided.*

§ 73. Fires to clear land.— Fallows, stumps, logs, brush, dry grass or fallen timber shall not be burned in the territory hereinafter described from April first to May thirty-first, both inclusive, or from September sixteenth to November tenth, both inclusive. From June first to September fifteenth, both inclusive, such fires may be set therein if written permission of the [fire warden] *superintendents, fire patrol* or [district fire warden] *supervisor* of the town or district in which the fire is set has been first obtained. If in a locality near forest or woodland, the [fire warden] *superintendents, fire patrol* or [district fire warden] *supervisor* shall be personally present when the fire is started. Such fires shall not be started during a heavy wind or without sufficient help present to control the same, and the same shall be watched by the person setting the fire until put out. Any person violating any provisions of this section is guilty of a misdemeanor, and in addition thereto is liable to a penalty of not less than fifty dollars nor more than three hundred dollars. This section applies to [Hamilton county; to the towns of Minerva, Newcomb, North Hudson, Schroon, Keene, Jay, Lewis, North Elbe, Saint Armend and Wilmington, Essex county; the towns of Waverly, Harriestown, Brandon, Santa Clara, Brighton, Belmont, Franklin, Duane and Altamont, Franklin county; the towns of Hopkinton, Colton, Clifton, Pine, Edwards, Piteairn, Clare, Russell, Piercefield and Parishville of Saint Lawrence county; the towns of Diana, Crogan, Watson, Greig and Lyonsdale of Lewis county; to the towns of Webb, Wilmurt, Ohio, Salisbury and Russia, Herkimer county; the towns of Forestport and Remsen, Oneida county; the towns of Stratford, Caroga, Bleecker and Mayfield, Fulton county; the towns of Day, Edinburg, Hadley and Corinth, Sara-

toga county; the towns of Johnsburg, Thurman and Stony Creek, Warren county; the towns of Putnam, Dresden and Fort Ann, Washington county; the towns of Altona, Dannemora, Ellenburgh, Saran and Black Brook, Clinton county; the towns of Denning, Hardenburgh, Shandaken, Olive, Rochester, Warwarsing and Woodstock, Ulster county; the towns of Neversink and Rockland, Sullivan county; the towns of Andes, Colchester, Hancock and Middletown, Delaware county; the towns of Hunter, Jewett, Lexington and Windham, Greene county] *all towns in the state forest preserve.*

§ 74. Forest fires prohibited.— [A person who wilfully or negligently sets fire to waste or forest lands of the state or of a private person, or who suffers a fire on his own lands to extend therefrom or to state lands, is guilty of a misdemeanor and may be imprisoned not more than one year and be liable to pay a fine of not more than two hundred and fifty dollars, or both. He shall also be liable to the state or any person for the damages caused by such wrongful act. If state lands in the forest preserve are or have been damaged wilfully or negligently as aforesaid, an action to recover the damages shall be maintained in the name of the people of the state on the order of the commissioner by counsel designated by him, and recovery shall be had therefor. The fact that such fire may have extended to state lands by crossing one or more tracts of land intermediate the place of setting fire and the state lands shall not bar recovery by the state when the damage done is within five miles of the place where the fire was set. This section shall not be construed to limit the recovery in such cases where there are no such intervening tracts of land.] *Any person who sets fire to waste or forest lands in the forest preserve counties of the state, except as provided by section seventy-three, or who wilfully or negligently suffers a fire to extend from his own lands to any other lands however distant therefrom, is guilty of a misdemeanor, and shall, upon conviction, be imprisoned for not more than one year, or shall be fined not more than one thousand dollars, or both, for each offense. Such person shall also be liable to the state or to any municipality, corporation, or other person for any damages caused by such wrongful act, and the person so injured may at his option sue for and recover treble damages, or damages at the rate of one dollar for each tree killed. Damages to state lands shall be ascertained and determined by the value of the timber thereon, taken at the value the said timber*

would have if the said lands were owned by private individuals. The fact that such fire may have extended from the place of origin to other lands by crossing one or more tracts of land of different ownership shall not bar recovery of treble damages as above provided. The fact that any fire started on or extended over from lands or rights of way owned or leased or used by any railroad company or by any other person using, manufacturing or producing any coal, wood, oil or other fuel or any inflammable material thereon for other than domestic purposes, shall be prima facie evidence that the said fire was set or started thereon or suffered to extend therefrom by the wilful negligence of the said person. If state lands in the forest preserve be damaged as aforesaid, an action to recover the damages as aforesaid shall be maintained in the name of the people, on the order of the commissioner by counsel designated by him, and recovery shall be had therefor. Any moneys necessarily expended by the state, municipality, or other person, in fighting fires upon waste or forest lands in the forest preserve counties of the state may be sued for by the person expending the moneys and recovered from the person causing the fires as single damages in addition to the treble damages or damages at the rate of one dollar for each tree killed, provided for as aforesaid.

§ 75-a. Whenever by reason of drought or other cause, it shall be dangerous to the forests of the state, or for other reason contrary to the public interest, for any person or persons to enter any portion of the lands within the forest preserve counties of the state for the purpose of camping out or of taking fish, fowl, birds or quadrupeds therein, or for any person or persons being already within the forest preserve counties of the state to take fish, fowl, birds or quadrupeds therein, the governor shall have authority to determine, and shall determine and declare, that it is dangerous to the forests of the state or contrary to the public interest for any person or persons to enter any portion of the lands within the forest preserve counties of the state for the purpose of camping out or of taking fish, fowl, birds or quadrupeds therein, or for any person or persons being already within the forest preserve counties of the state to take fish, fowl, birds or quadrupeds therein, and upon such determination and declaration, the governor shall have authority to forbid, and shall forbid by proclamation, any person or persons from entering the said lands for such purposes, and any person or persons being already therein from tak-



ing fish, fowl, birds or quadrupeds therein. But the governor must state in such proclamation the reason or reasons why he has so determined that such acts would be dangerous to the forests or contrary to the public interest, and he must, in such proclamation, limit the time during which such entry and such acts shall be prohibited. And the governor shall have the right to extend the time for taking fowl or birds or quadrupeds to a time equivalent to the time during which the said entry and acts were forbidden. The governor must also, in such proclamation, order that it be published, and direct the manner in which it shall be published, so as to give wide notice of its contents. Any person or persons violating the provisions of such proclamation shall be guilty of a misdemeanor and shall, upon conviction, be subject to a fine of one hundred dollars or shall be imprisoned for not more than thirty days, or both, for each offense, in addition to the penalties hereinbefore provided for taking fish, fowl, birds or quadrupeds in the closed season. The said proclamation shall be published by the commissioner in such manner as shall be ordered and directed by the governor.

§ 78. Transportation.—Deer or venison killed in this state shall not be transported from or through any county, or possessed for that purpose, except as follows: One carcass or a part thereof at one time may be transported from the county where killed when accompanied by the owner. No person shall transport or accompany more than two deer in any year under this section. Deer or venison killed in this state may be accepted by a common carrier for transportation from September sixteenth to November first, both inclusive, but if possession is obtained for transportation after September fifteenth and before midnight of November first, it may, when accompanied by the owner lawfully remain in the possession of such common carrier the additional time necessary to deliver the same to its destination. Possession of deer or venison by a common carrier, or by any person in its employ while engaged in the business of such common carrier, unaccompanied by the owner shall constitute a violation of this section by such common carrier. This section does not apply to the head, feet or skin of deer legally taken if carried separately[.], nor shall it apply to deer propagated in deer parks, but all shipments made from such parks must be accompanied by a permit issued by the forest, fish and game commission, under conditions prescribed by the commissioner.

§ 82. Hares and rabbits.— The open season for hares and rabbits shall be from [October first to November thirtieth, both inclusive, except in Allegany, Cattaraugus, Chautauqua, Clinton, Essex, Franklin, Fulton, Hamilton, Herkimer, Jefferson, Lewis, Livingston, Onondaga, Otsego, Saratoga, Saint Lawrence, Schoharie, Steuben, Warren, Washington and Wyoming counties where the open season shall be from] October first to February fifteenth, both inclusive. Hares and rabbits native in this state shall not be taken, possessed or sold at any other time. Nothing in this section shall prevent the owner or occupant of inclosed or occupied farm lands or their employees from taking hares and rabbits on such owner's or occupant's premises at any time to prevent their injuring property. Hares and rabbits shall not be hunted with ferrets. The possession of ferrets shall be presumptive evidence of the illegal use. There shall be no close season for Belgian hares, jack rabbits or rabbits bred in captivity.

§ 84. Mink, skunk, muskrat and sable.— The open season for mink, skunk and muskrat shall be from [October fifteenth] November first to April thirtieth, both inclusive. They shall not be possessed or killed at any other time. There shall be no open season for martin or sable prior to nineteen hundred and ten. *In nineteen hundred and ten the open season for martin and sable shall be the same as for mink, skunk and muskrat. Muskrat houses shall not be injured or destroyed at any time.*

§ 88. Manner of killing.— Ducks, geese, brant and swan shall not be taken except with a gun fired at arm's length without rest. They shall not be *pursued by nor* fired at from a boat propelled otherwise than by hand, or from any boughhouse or floating device used to conceal the hunter if more than fifty feet from shore, or a natural growth of grass or flags. Fowl taken in violation of law shall not be brought ashore, sold or possessed.

§ 91. Grouse; open season.— The open season for grouse shall be from October first to November thirtieth, both inclusive; they shall not be taken or possessed at any other time except as provided by section ninety-two of this chapter. No person shall take more than twenty grouse in an open season, nor more than four in one day. There shall be no open season for grouse in the counties of Putnam, Rockland, [Steuben] and Westchester until nineteen hundred and ten. *There shall be no open season for Hungarian or European grey legged partridge.*

§ 92. Grouse, woodcock and quail not to be sold.— Grouse,

woodcock and quail taken in this state shall not be sold or offered for sale within this state, or carried without the state, nor shall grouse, woodcock or quail taken without the state be sold or offered for sale within the state [except pursuant to the provisions of this section. Possession of grouse, woodcock or quail by any person shall be presumptive evidence that they were taken in this state, provided that such presumption shall not attach to the possession of grouse, woodcock or quail by any person] *unless the person who offers for sale or sells grouse, woodcock or quail taken without the state shall have given to the commissioner a bond to the people of the state, as hereinafter provided, approved by him as to form, amount and sufficiency of sureties. [so long as the same shall be in force.]* Such bond shall be for a specified time, and shall continue in force for that time unless disapproved by the commissioner for breach of its conditions or failure of sureties. Such bond shall be conditioned that such person shall not have in his possession or sell, grouse, [or] woodcock or quail taken in this state, and shall contain such other provisions as to inspection of grouse, woodcock or quail possessed by him, evidence that the same were taken without the state, by way of bill of sale, waybill or otherwise, and generally such requirements as the commissioner may deem necessary to secure the enforcement of this section [ : ]. *Possession of grouse, woodcock or quail by any person shall be presumptive evidence that they were taken in this state, provided that such presumption shall not attach to the possession of grouse, woodcock or quail by any person who shall have given to the commissioner the bond, as hereinbefore provided, so long as the same shall be in force; nor shall such presumption attach to possession of grouse, woodcock or quail by any person purchasing the same for consumption from a person whose bond is in force as aforesaid. But no presumption that grouse, woodcock or quail are possessed free from the presumption that they were taken in this state, as herein provided, shall arise in any action or legal proceeding until it affirmatively appears that the provisions of this section have been complied with. Any person violating [any of] the provisions of such bond shall be denied the privilege of giving another bond under this section.*

§ 98. Certain wild birds protected.—Wild birds other than the English sparrow, crow, hawk, crow-blackbird, snow-owl, great horned owl and king fisher shall not be taken or possessed at any time, dead or alive, except under the authority of a certificate



issued under this chapter. No part of the plumage, skin or body of any bird protected by this section shall be sold or had in possession for sale. The provision of this section shall not apply to game birds for which an open season is provided in this chapter, *excepting that quail, English pheasants and Hungarian partridges shall not be taken at any time in Richmond county prior to the year nineteen hundred and fourteen.*

§ 106. Trout; open season.—The open season for trout shall be from April sixteenth to August thirty-first, both inclusive, except in the counties of Clinton, Essex, Franklin, Fulton, Hamilton, Lewis, Saratoga, Saint Lawrence, Warren and Washington and in that portion of Herkimer county north of the Mohawk river, where the season shall be from May first to August thirty-first, both inclusive, and except in Allegany, Cattaraugus, Chautauqua, Cortland, [Delaware,] Livingston and Wyoming counties where the open season shall be from April sixteenth to July fifteenth, both inclusive, and except in the Genesee river in the county of Allegany, [and] in Spring brook in the county of Livingston, *in the west branch of the Oatka creek in the town of Gainesville in the county of Wyoming, and in that part of Cattaraugus creek which is in the counties of Cattaraugus and Chautauqua* where the open season shall be from April sixteenth to August thirty-first, both inclusive, and in the county of Chenango where the open season shall be from April sixteenth to July thirty-first, both inclusive. Trout shall not be taken or possessed at any other time, nor shall trout taken in any of the waters of the state be sold or offered for sale. Trout less than six inches in length shall not be taken or possessed. This section shall not apply to private hatcheries in sale of trout, or for propagation.

§ 109. Lake trout and whitefish, open season.—The open season for lake trout and whitefish shall be from May first to August thirty-first, both inclusive, except in Lakes Erie and Ontario, where the open season for lake trout and whitefish shall be from January first to October thirty-first, both inclusive; and except in the counties of Ulster, Sullivan, Orange, Rockland, Westchester and Richmond, where the open season for lake trout shall be from May first to June thirtieth, both inclusive, and except in Lake Keuka, where the open season for lake trout shall be from April sixteenth to August thirty-first, both inclusive. [Lake trout or whitefish shall not be taken or possessed at any other time.] Lake trout less than fifteen inches in length shall not be taken or possessed. *Whitefish less than two pounds in the round shall not be*

*taken from any of the waters of the state or possessed at any time. Lake trout or whitefish shall not be taken or possessed at any other time, except in Skaneateles and Keuka lakes when the open season for lake trout shall be from April sixteenth to October thirty-first, both inclusive, provided that during the closed season any person may buy, possess or sell lake trout or whitefish taken without the state if such person will at all times permit the commission or any member or officer thereof a full examination of his books and papers relating to the purchase and sale of fish, and will, when required by the commission, furnish the original invoice or invoices, freight or express receipts used in the transportation thereof.*

【§ 113. Salmon.—The open season for salmon shall be from March first to August fifteenth, both inclusive. Salmon shall not be taken or possessed at any other time.】

§ 117. Pickerel and pike.—The open season for pike and pickerel shall be from May first to the last day of February, both inclusive, except there shall be no closed season for blue pike in Lake Erie. Pike and pickerel shall not be taken or possessed at any other time, provided that during the closed season any person may buy, possess or sell pickerel or pike taken without the state if such person 【shall have a license from the commissioner so to do issued after giving a bond to the people of the state, approved by the commissioner, conditioned for the payment of the sum of five hundred dollars if such person shall while the license is in force, buy, possess or sell any pickerel or pike taken within the state, or shall at any time refuse or deny to】 *will at all times permit the commission or any member or officer thereof*【, a full】 *to have an examination of his books and papers relating to the purchase and sale of fish, 【or shall at any time】 and will when required by the commission*【, fail to】 *furnish the original invoice or invoices, freight or express receipts used in the transportation thereof. 【upon delivery to such person; and provided further that any person purchasing during the closed season of a dealer giving such bond, may possess the same; and provided further that in all cities of this state containing one million or more inhabitants any person engaged in the sale of fish from a basket or push cart and all other retail dealers in fish who do not occupy shops or stores in the conduct of such business may obtain a license from the commissioner permitting such person to buy, possess or sell pickerel or pike taken without the state, after depositing with the said commission the sum of ten dollars, and the signing of an agreement*

that said ten dollars shall be forfeited if such person shall, while the license is in force, buy, possess or sell any pickerel or pike taken within the state, or shall at any time refuse or deny to the commission or any member or officer thereof a full examination of his books and papers, relating to the purchase and sale of fish, or shall at any time when required by the commission, fail to furnish the original invoice or invoices, freight or express receipts used in the transportation thereof upon delivery to such person, at the end of the close season the moneys so deposited shall be returned to the depositors forthwith except in the case of persons against whom complaints have been filed by the commission; and provided further that any person purchasing during the closed season of a dealer making such deposit may possess the same. The commission may permit the taking or destruction of pickerel at any time in waters inhabited by trout. Wall-eyed and yellow pike, less than ten inches in length, shall not be taken or possessed.

§ 124. Taking minnows for bait.—Minnows shall not be taken with a net or seine for bait from any of the waters of the state without a license. The commissioner may grant a license for a net to take minnows for bait in waters not inhabited by trout. Such a license can be granted only upon the payment of a license fee to be prescribed by the commission and the execution of a bond by the owner of the net, to be approved by the commission, conditioned for the payment to the people of the state of one hundred dollars if the holder thereof violates any of the provisions of this section or any of the regulations contained in the license while the license is in force. The license must specify the waters in which the net may be used, and may contain regulations for the protection of fish. Black bass, maskalonge, whitefish, pickerel or pike taken in a net used under this section shall be immediately returned to the water uninjured. Minnows shall not be taken within one hundred feet of any dock, pier, or boat landing structure along the Saint Lawrence river without the consent of the owner on which the same is built. *The provisions for licensing nets in this section shall not apply to minnow nets less than four feet in diameter.*

§ 126. Frostfish and whitefish taken with nets.—Frostfish, whitefish, catfish, sunfish, pumpkin seeds, bullheads, perch, suckers and sturgeon may be taken with nets from inland lakes not inhabited by trout pursuant to rules prescribed by the commission. *The commission may make rules under which by pay-*



*ing a license sturgeon may be taken by setlines and trap lines.* Such rules shall be subject to amendment or abrogation at any time and may be either general or special, and published as the commission directs. Whitefish less than two pounds in the round shall not be taken from any of the waters of the state or possessed at any time.

§ 134. Streams not to be obstructed.—Except as provided in section one hundred and twenty-three, *or as directed by the commissioner*, no person shall by means of any rack, screen, weir or other obstruction in any creek, stream or river, prevent the passage of fish protected by law.

§ 150. Fishing in Seneca [lake] and Cayuga lakes.—Nets or seines the meshes of which shall not be less than two-inch bar, may be used in Seneca lake and in that portion of Cayuga lake lying south of a straight line drawn from East Varick to Lavana and north of a straight line drawn from Glenwood to Esty Glen from May first to September fifteenth, both inclusive.

§ 152. Fishing in Chautauqua and Cattaraugus counties.—Maskalonge, black bass, or yellow bass shall not be fished for, taken or possessed in Chautauqua and Cattaraugus counties from October sixteenth to June fifteenth, both inclusive, unless by the state for the purposes of propagation. Maskalonge, black bass or yellow bass shall not be fished for, or taken from any of the waters of Chautauqua or Cattaraugus counties on any day after dark and before daylight. Maskalonge less than twenty-four inches in length shall not be taken from any of the waters of said counties. Bullheads may be fished for and taken through the ice with hook and line baited with angle-worms in any of the lakes of such counties. *The provisions of this section shall not apply to Bear lake in Chautauqua county.*

§ 153. Spearing, hooking and set lines.—Suckers, bullheads, eels and dogfish may be speared in the Delaware river in Sullivan and Delaware counties, and in Saudsburg creek, town of Wawarsing, in Ulster county, from the Center street bridge in Ellenville to Port Hixon dam on said stream, from April first to September thirtieth, both inclusive; and Shadow creek and Hayden creek in the town of Springfield, Otsego county, from March first to May first, inclusive; and in the Hyder creek, Fish creek, Mink creek and Herkimer creek in the towns of Richfield and Exeter, inclusive, provided that spearing shall not be allowed hereunder within twenty rods from the point where such creeks empty into Schuyler lake; and in the creeks in Orleans county excepting Sandy creek,

Oak Orchard creek and Johnson's creek, between the fifteenth day of March and the thirtieth day of April, inclusive; and in the tributaries of Lake Ontario from the mouth of the Niagara river to the boundary line between Niagara and Orleans counties, suckers, bullheads, eels, dogfish and carp may be speared from March first to May fifteenth, both inclusive; and in the waters of Lake Ontario in the towns of Ellisburg, Henderson, Hounsfield and Brownville in Jefferson county, and in the waters of the towns of Lexington and Prattville in Greene county, at any time. Such fish may be taken from December first to May fifteenth, both inclusive, by hooking, in Oneida lake, Oneida river, Onondaga lake, in the Delaware and Charlotte rivers and their tributary streams in the counties of Delaware and Sullivan, in the Schoharie river and its tributary streams in Schoharie and Greene counties, and in the waters of Cortland, Tioga, Broome, Chenango and Otsego counties. Fish, except lake trout, black bass and pike perch, may be taken through the ice with a hook and line in Canandaigua lake, except during the months of March and April. Any fish, except lake trout, black bass and pike perch, may be taken in said lake *and in Seneca lake* by spearing except during the months of April, May and June. Set lines *not more than five hundred feet in length* with one end thereof attached to the shore, may be used to take fish in Canandaigua lake and Lake Keuka. The hooks *not* to be baited [only] with minnows [worms]. *The provisions of this section shall not apply to streams inhabited by trout.*

§ 240. Definitions.—The following words and phrases used in this chapter are defined as follows:

1. "Grouse" includes ruffed grouse, partridge and every member of the grouse family.

2. "Trout" includes speckled trout, brown trout, rainbow trout, red-throat trout and brook trout.

3. "Lake trout" for the purposes of this chapter includes landlocked salmon and ouananishe.

4. "Black bass" includes Oswego bass.

5. "Pickerel" and "pike" for the purposes of this chapter includes wall-eyed pike or pike perch, blue pike, yellow pike, green pike, grass pike, sauger or sand pike, gray pike, and all other fish of the pike perch kind.

6. "Angling" means taking fish by hook and line in hand or rod in hand; or if from a boat not exceeding two lines with or without rod to one person.

7. "Taking" includes pursuing, shooting, hunting, killing,

capturing, trapping, snaring and netting fish and game, and all lesser acts such as disturbing, harrying or worrying, or placing, setting, drawing or using any net or other device commonly used to take fish and game, whether they result in taking or not; and includes every attempt to take and every act of assistance to every other person in taking or attempting to take fish or game. A person who counsels, aids or assists in a violation of any of the provisions of the forest, fish and game law, or knowingly shares in any of the proceeds of said violation by receiving or possessing either fish, birds, game or timber, shall be deemed to have incurred the penalties provided in this chapter against the person guilty of such violation. Whenever taking is allowed by law, reference is had to taking by lawful means and in lawful manner.

8. "Person" includes a copartnership, joint-stock company or corporation.

9. Where lands are referred to as "inclosed," the boundary may be indicated by wire, ditch, hedge, fence, road, highway, water or in any visible or distinctive manner which indicates a separation from the surrounding contiguous territory.

10. "Trespass" includes cutting, injuring, taking or removing trees of any size of timber or other property of the state, or entering upon the lands of the state with intent to cut, injure, take or remove trees of any size or timber or other property of the state.

11. "Pheasant" does not include the native ruffed grouse commonly termed partridge.

12. Gender and number shall be disregarded in construing this chapter whenever it is necessary to carry out the spirit thereof.

13. Commission, *commissioner*, commissioners and board of commissioners are synonymous with commission of forest, fish and game.

14. "Open season" is the time during which fish, fowl, birds and quadrupeds may be taken.

15. "Closed season" is the time during which fish, fowl, birds and quadrupeds cannot be taken.

16. "*Hooking*" is defined to mean taking or attempting to take with hook fish not attracted by bait or artificial lure, by snatching with hooks, whether baited or unbaited, gangs or similar devices.

17. Forest preserve counties are those counties in which the lands thereof, if acquired by the state, will become part of the forest preserve.

§ 2. This act shall take effect immediately.



(No. 38.)

AN ACT making appropriations for certain expenses of government and supplying deficiencies in former appropriations.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. The treasurer shall pay, on the warrant of the comptroller, from the several funds specified, to the persons, and for the purposes indicated in this act the amounts named or so much thereof as shall be sufficient to accomplish, in full, the purposes designated by the appropriations, which several amounts are hereby appropriated out of any moneys in the treasury not otherwise appropriated. No warrants shall be issued, except in cases of salaries, until the amounts claimed shall have been audited and allowed by the comptroller, who is hereby authorized to determine the same, upon vouchers presented as required by section twelve of the state finance law. Whenever an appropriation shall have been provided otherwise the sum herein directed to be paid shall not be considered as an addition to such other appropriation unless it shall be expressly so declared in this act.

## FROM THE GENERAL FUND.

### EXECUTIVE DEPARTMENT.

The sum of nine hundred fifty-three dollars (re. \$953), being the unexpended balance of an appropriation made by chapter five hundred seventy-eight, laws of nineteen hundred seven, for furnishing steel filing cases for books, papers and records in the executive department, and for other repairs, is hereby reappropriated for postage and transportation of letters, official documents, and other matters sent by express or freight, including boxes or coverings for same, and for necessary expenses, including binding, printing, stationery, books, supplies, traveling and other incidental expenses, and for the payment of expenses of notarial department; and the further sum of five thousand six hundred dollars (\$5,600), or so much thereof as may be necessary, is hereby appropriated for the same purposes.

For printing the state papers of the governor for the year nineteen hundred eight, eight hundred dollars (\$800), or so much thereof as may be necessary.

For the compensation and expenses of persons employed in the examination of bills of the legislative session of nineteen hundred nine, five thousand dollars (\$5,000), or so much thereof as may be necessary, to be paid on the certificate of the governor.

The sum of four thousand nine hundred sixty-nine dollars ninety-seven cents (re. \$4,969.97), being the unexpended balance of an appropriation made by chapter five hundred seventy-eight, laws of nineteen hundred seven, for compensation of persons appointed to examine and investigate the departments, boards, bureaus and commissions of the state, and for expenses necessarily incurred in the examinations or investigations of such departments, boards, bureaus and commissions, is hereby reappropriated, and a further sum of five thousand thirty dollars (\$5,030), or so much thereof as may be necessary, is hereby appropriated for the same purposes.

For the governor, for completing the preparation of an annotated edition of the governors' messages, as provided by chapter seven hundred of the laws of nineteen hundred five, including a general index and tables of contents, judicial decisions and constitutional references, two thousand dollars (\$2,000), or so much thereof as may be necessary, to be paid on the order of the governor.

## JUDICIARY.

### COURT OF APPEALS.

For deficiency in expenses of office rent for judges of the court of appeals incurred pursuant to section two hundred three of the code of civil procedure, from January first, nineteen hundred nine, to September thirtieth, nineteen hundred nine, two hundred eighty-one dollars twenty-five cents (\$281.25), or so much thereof as may be necessary.

For necessary expenses of the clerks of the judges of the court of appeals, the sum of eight hundred dollars (\$800), or so much thereof as may be necessary, to be paid upon vouchers approved by the judge in whose service such expenses are incurred.

The sum of seventy-five dollars (re. \$75), being the unexpended balance of appropriation made by chapter five hundred seventy-seven, laws of nineteen hundred seven, for the chancery clerk, is hereby reappropriated for the salary of the certificate clerk from July first to September thirtieth, nineteen hundred eight.

For deficiency in salary of a clerk of the ninth grade in the clerk's office of the court of appeals, from January first, nineteen hundred nine to September thirtieth, nineteen hundred nine, payable monthly, two hundred twenty-five dollars (\$225).

#### SUPREME COURT.

The sum of nine thousand sixty-seven dollars thirty-six cents (re. \$9,067.36), being a portion of the balance of an appropriation made by chapter five hundred seventy-seven, laws of nineteen hundred seven, for services of supreme court justices assigned to the court of appeals, is hereby reappropriated for deficiency in appropriation for the salaries and expenses of the justices of the supreme court for the fiscal year ending September thirtieth, nineteen hundred nine.

For deficiency in appropriation for trial justices, who attend a term or part of the supreme court, except in the counties of New York and Kings, outside the county in which they reside, for actual and necessary traveling and other expenses, incurred pursuant to chapter four hundred thirty-one, laws of nineteen hundred, two thousand dollars (2,000), \$or so much thereof as may be necessary.

For deficiency in appropriation for expenses of the appellate division of the supreme court, for compensation of clerks, criers and attendants, and of stenographers and clerks to the justices, and for their actual and necessary expenses, ten thousand dollars (\$10,000), or so much thereof as may be necessary.

#### COURT OF CLAIMS.

For deficiency in the appropriation for the contingent fund of the court of claims for the fiscal year ending September thirtieth, nineteen hundred nine, one hundred eighty-nine dollars (\$189), or so much thereof as may be necessary, is hereby appropriated, from which the court shall provide for the additional expenses of binding in buckram seven hundred copies of the opinions of the court as compiled by the deputy clerk.

For deficiency in appropriation of clerk's hire for the court of claims for the fiscal year ending September thirtieth, nineteen hundred nine, the sum of two hundred twenty-five dollars (\$225), or so much thereof as may be necessary.



## LIBRARIES.

For deficiency in appropriation for books, binding and supplies for the court of appeals library at Syracuse, six hundred dollars (\$600), to be paid upon the certificate of the librarian thereof, and for the salary of the librarian nine hundred seventy-six dollars thirty-one cents (\$976.31), which latter amount is to be refunded pursuant to the provisions of chapter sixteen, section one thousand fifty-two of the consolidated law.

For the supreme court library at White Plains, situate in the ninth judicial district, for the purchase of books and necessary rebinding of books belonging to said library, one thousand dollars (\$1,000), or so much thereof as may be necessary, to be paid according to the provisions of chapter sixteen, section one thousand seventy of the consolidated law, by the treasurer of the state, upon the warrant of the comptroller, on the presentation to the comptroller of vouchers verified by a majority of the trustees having charge of said library.

For deficiency in appropriation for law library, eighth judicial district at Buffalo, one thousand eight hundred dollars (\$1,800), or so much thereof as may be necessary, to be paid on the certificate of a majority of the trustees having charge of said library.

For the supreme court library at Troy, organized under the provisions of chapter seventy-nine, laws of nineteen hundred eight, now constituting chapter sixteen, section one thousand seventy-one of the consolidated law, one thousand dollars (\$1,000), or so much thereof as may be necessary.

## LEGISLATURE.

For the clerks of the senate and assembly; for the clergymen officiating as chaplains, to be paid at the rate of five dollars for each day of attendance; for printing, stationery, supplies, file boards and record books; for preparation, proofreading and comparison of journals and financial reports, clerical and stenographic services; for printing and revising clerk's manual, books and blanks; for care of bills, documents and library; for law books and binding of books and records; for furniture and alteration of legislative rooms; for expenses of receiving reports and printed documents, storing, addressing and forwarding the same; for engrossing resolutions; for other contingent expenses; the payments for the foregoing to be made by the treasurer upon the warrant of the

comptroller and the certificate of the clerk of the senate or assembly respectively; for the preparation of session indices to senate and assembly bills, journals and documents; for indexing of executive journals of the senate; and for preparation of supplementary indices to senate and assembly bills, journals and documents; payments for the same to be made by the treasurer upon the warrant of the comptroller and the certificate of the temporary president of the senate or speaker of the assembly respectively, the sum of forty thousand dollars (\$40,000), or so much thereof as may be necessary.

For expenses of legislative committees, including compensation of witnesses; for indexing the bills, journals and documents of the senate and assembly; for indexing the executive journals of the senate and for preparation of supplementary indices to senate and assembly bills, journals and documents, to be paid upon the certificate of the temporary president of the senate or the speaker of the assembly respectively; for postage, express and transportation of letters, reports, documents and other matter sent by express or freight, including boxes and coverings for the same; for expense of receiving, storing, addressing and forwarding reports and printed documents, including the rental of rooms for same; for printing and furnishing the legislative manual and clerk's manual; for law and reference books and publications for the senate and assembly libraries, committees and legislature; for legislative indices to senate and assembly bills, journals and documents; for extra clerical service and engrossing; for furniture, alteration and repairs of legislative rooms, and for other contingent expenses of the legislature, to be paid upon the certificate of the clerk of the senate or assembly respectively, fifty thousand dollars (\$50,000), or so much thereof as may be necessary.

For improvements, alterations and repairs, and for furniture and furnishings, including steel filing, supply and record cases for the clerk's room, and other legislative rooms of the senate, three thousand dollars (\$3,000), or so much thereof as may be necessary, to be paid by the treasurer upon the warrant of the comptroller and the certificate of the president and clerk of the senate.

For improvements, alterations, repairs to furniture and furnishings, and furniture for the legislative rooms of the assembly, ten thousand dollars (\$10,000), or so much thereof as may be necessary, to be paid by the treasurer upon the warrant of the

comptroller and the certificate of the speaker and clerk of the assembly.

For the joint committee of the finance committee of the senate and the ways and means committee of the assembly, for expenses in visiting state institutions, and for investigating and reporting to the legislature on the subject of classification of salaries, ten thousand dollars (\$10,000), or so much thereof as may be necessary, to be paid by the state treasurer upon the audit of the comptroller and the certificate of the chairmen of the finance committee of the senate and the ways and means committee of the assembly.

### SECRETARY OF STATE.

For clerk hire, purchase of seals, badges, filing case, printing, and other necessary expenses for the enforcement of the motor vehicle law, ten thousand dollars (\$10,000), or so much thereof as may be necessary.

For deficiency in appropriation for furniture, books, binding, blanks, and other necessary office expenses, two thousand five hundred dollars (\$2,500), or so much thereof as may be necessary.

For making new indexes for the corporation department, and for rebinding original laws and records, two thousand dollars (\$2,000), or so much thereof as may be necessary.

For deficiency in appropriation for postage and transportation of letters, documents, laws, blanks, and other matter sent by mail, express, or freight, one thousand dollars (\$1,000), or so much thereof as may be necessary.

For payment of the inauguration expenses of the governor, two thousand dollars (\$2,000), or so much thereof as may be necessary.

For the expenses of the electoral college and printing twenty-five hundred copies of the proceedings of the electoral college, five hundred dollars (\$500), or so much thereof as may be necessary.

For deficiency in appropriations for salaries for seven employees, two thousand five hundred dollars (\$2,500), or so much thereof as may be necessary.

For temporary clerk hire, three thousand five hundred dollars (\$3,500), or so much thereof as may be necessary.

### COMPTROLLER.

For compensation and expenses of counsel employed by the comptroller in legal actions or proceedings, and for expert services



in the matter of investigations, one thousand five hundred dollars (\$1,500), or so much thereof as may be necessary.

The sum of three thousand two hundred fifty-six dollars forty-nine cents (re. \$3,256.49), being the unexpended balance of appropriations made by chapter five hundred seventy-seven, laws of nineteen hundred seven, for expenses of the comptroller and deputy comptroller, and for the salaries of employees of the comptroller's office, and of an appropriation made by chapter five hundred seventy-eight, laws of nineteen hundred seven, for steel filing cases, is hereby reappropriated for furniture, books, binding, blanks, printing, and other incidental office expenses, including rent of New York city office, and the further sum of seven hundred forty-three dollars fifty-one cents (\$743.51), or so much thereof as may be necessary, is hereby appropriated for the same purpose.

For deficiency in appropriation for advances to county treasurers on account of taxes on property of nonresidents, and for taxes on state, wold, or forest lands, which may be returned to the comptroller's office, and for adjusting accounts of state taxes with counties, sixty thousand dollars (\$60,000), or so much thereof as may be necessary.

For fees of surrogates in furnishing to the secretary of state copies of letters of administration and copies of wills probated in other states and subsequently filed in this state, as provided by section two thousand five hundred three, code of civil procedure, three hundred dollars (\$300), or so much thereof as may be necessary.

For the reimbursement of the several counties for the maintenance of county roads pursuant to chapter two hundred sixty-nine, laws of nineteen hundred three, sixty-nine thousand two hundred eighty-five dollars forty-eight cents (\$69,285.48), or so much thereof as may be necessary.

For the payment of assessments on state property for local improvements made, when approved by the comptroller, pursuant to section twenty of the public lands law, one thousand three hundred dollars (\$1,300), or so much thereof as may be necessary, and for investigations of claims for assessments filed in the office of the comptroller, two hundred dollars (\$200), or so much thereof as may be necessary.

For the payment of an agent or agents, and for their necessary expenses in the enforcement of the act to license and regu-

late the business of private detectives and detective agencies, one thousand five hundred dollars (\$1,500), or so much thereof as may be necessary.

For deficiency in appropriation for the services of examiners for the current fiscal year in the examination of the accounts of the several county treasurers of the state, as required by chapter six hundred fifty-one of the laws of eighteen hundred ninety-two, two thousand five hundred dollars (\$2,500), or so much thereof as may be necessary; and for deficiency in appropriation for actual and necessary traveling expenses of such examiners for the current fiscal years, one thousand five hundred dollars (\$1,500), or so much thereof as may be necessary.

For the payment of judgments against the state for costs duly awarded in certain actions brought pursuant to law, to be paid upon the certificate of the attorney-general, the sum of six thousand dollars (\$6,000), or so much thereof as may be necessary.

For deficiency in appropriation for services of examiners and detectives in the stock transfer tax bureau, four thousand five hundred dollars (\$4,500), or so much thereof as may be necessary; and for deficiency in appropriation for their actual and necessary traveling expenses in the performance of their official duties, for dies, plates, and printing necessary for the manufacture of stamps, and stationery, books, blanks, and other necessary incidental expenses, five thousand two hundred dollars (\$5,200), or so much thereof as may be necessary.

For compensation and expenses of expert accountants employed by the comptroller in special investigations, five thousand dollars (\$5,000), or so much thereof as may be necessary.

For the comptroller to reimburse the town of North Greenbush, Rensselaer county, for one-half of the expenses heretofore charged upon said town for extraordinary repairs made during the year nineteen hundred four by the state engineer upon section one of road eleven, known as the Troy and Greenbush road, and for extraordinary repairs under like orders upon road seventy-seven; Albia and Wynantskill road, three thousand four hundred twenty-nine dollars twenty-nine cents (\$3,429.29), or so much thereof as may be necessary.

To refund to Martin B. Hosley, of Wells, Hamilton county, one hundred thirty dollars (\$130), or so much thereof as may be necessary, amount of penalty and interest paid the forest, fish and game commission May twenty-eighth, eighteen hundred ninety-seven, for alleged trespass in cutting timber on lot five,

range four, Leffert's tract, Palmer's purchase, rear division, town of Wells, county of Hamilton, title of state in land being afterward canceled by comptroller.

For reimbursing the city of Auburn, one thousand five hundred dollars (\$1,500), in full, for its claim against the state of three thousand one hundred two dollars seventy cents and interest since January first, nineteen hundred three, for laying a cement sidewalk in front of the Auburn State Prison.

For the comptroller, to pay the claim of M. Edward Silberman, owner of the Catskill Daily Mail, designated by the board of supervisors to publish the concurrent resolutions, which designation was declared invalid by court, four hundred sixty-four dollars (\$464), or so much thereof as may be necessary.

For the comptroller, for the purpose of refunding tax erroneously paid by the Johnston Harvester Company, one hundred dollars (\$100), or so much thereof as may be necessary.

For the comptroller, for the purpose of refunding tax for the year ending December thirty-first, nineteen hundred seven, erroneously paid into the state treasury under the provisions of section one hundred eighty-seven of the general tax law by the Salamandra Insurance Company of Saint Petersburg, Russia, one thousand nine hundred twenty-three dollars forty-three cents (\$1,923.43), or so much thereof as may be necessary.

#### ATTORNEY-GENERAL.

For the payment of attorneys, counsel, deputies, agents, and commissioners employed by him in pursuance of law, including the compensation of witnesses, fifteen thousand dollars (\$15,000), or so much thereof as may be necessary.

For the payment of attorneys, counsel, and deputies designated or employed in actions or proceedings brought in pursuance of the provisions of the executive law, ten thousand dollars (\$10,000), or so much thereof as may be necessary; but no warrants shall be issued for such payments until the amounts claimed shall be certified, audited, and allowed by the attorney-general and the governor.

For the expenses of investigating claims on behalf of or against the state, three thousand dollars (\$3,000), or so much thereof as may be necessary.

For fees of public officers and other legal fees in the prosecution or defense of actions or proceedings, two thousand five hundred dollars (\$2,500), or so much thereof as may be necessary.



For deficiency in appropriation for printing for the two years ending September thirtieth, nineteen hundred eight, three thousand four hundred eighty-five dollars twenty-two cents (\$3,485.22), or so much thereof as may be necessary, the same to be used for the payment of a certificate for that sum issued by the comptroller on account of printing ordered by and completed during the term of Attorney-General Jackson.

For Martin B. Brown Company, for printing law briefs for the New York office of the attorney-general for the two years ending September thirtieth, nineteen hundred eight, six thousand five hundred dollars (\$6,500), or so much thereof as may be necessary.

### STATE ENGINEER AND SURVEYOR.

For the payment of work done and for continuing such work in co-operation with the United States geological survey in surveying and mapping the state of New York in the manner defined by chapter two hundred nineteen, laws of eighteen hundred ninety-eight, ten thousand dollars (\$10,000), or so much thereof as may be necessary.

For hydrographic work connected with the measurements of volumes of streams and flow of water in the state of New York for the purpose of determining the water supply available for canals and for potable and domestic uses, and the development of water powers, one thousand five hundred dollars (\$1,500), or so much thereof as may be necessary. This appropriation to be used in co-operation with the United States geological survey in hydrographic work, provided an appropriation therefor is made by the United States government, otherwise this appropriation may be expended by the state engineer and surveyor without the co-operation from the United States government.

For surveys and maps for the use of the attorney-general in cases before the court of claims arising on account of the canals of the state, and for other expenses connected therewith, two thousand dollars (\$2,000), or so much thereof as may be necessary, payable from the canal fund.

For salaries and actual and necessary expenses of a chief bridge designer and inspector, and the necessary assistants, draughtsmen and supplies, two thousand dollars (\$2,000), or so much thereof as may be necessary.

For the state engineer and surveyor, for traveling expenses and disbursements incurred by his department in making examina-

tions, surveys and maps for restoring and placing monuments on the boundary lines of the state, and for expenses incurred for labor and material in procuring and placing such monuments pursuant to chapter four hundred twenty-one of the laws of eighteen hundred eighty-seven as amended by chapter six hundred seventy-eight of the laws of eighteen hundred ninety-two, the sum of six thousand dollars (\$6,000), or so much thereof as may be necessary.

For Charles F. Bostwick, for services and expenses as special counsel in the case of People against The Federal Bank since January first, nineteen hundred seven, five thousand dollars (\$5,000), or so much thereof as may be necessary, same to be paid on the certificate of the attorney-general.

For Henry E. Wilson, for services in the matter of the application of Stephen E. Hurlbise, for peremptory writ of mandamus against Frederick C. Stevens, as superintendent of public works, and Elmer Clark, as superintendent of repairs of the Erie and Oswego canals, one hundred dollars (\$100), or so much thereof as may be necessary, to be paid on the certificate of the attorney-general.

### STATE TREASURER.

For deficiency in appropriation for office expenses for the fiscal year ending September thirtieth, nineteen hundred nine, two thousand dollars (\$2,000), or so much thereof as may be necessary.

For deficiency in appropriation for postage and expressage for the fiscal year ending September thirtieth, nineteen hundred nine, five hundred dollars (\$500), or so much thereof as may be necessary.

### DEPARTMENT OF AGRICULTURE.

To the commissioner of agriculture:

For the salaries of chemists, bacteriologists and other scientific employees, three thousand dollars (\$3,000), and for deficiency in the appropriation made for this purpose by chapter four hundred sixty-five of the laws of nineteen hundred eight, three thousand eight hundred dollars (\$3,800), or so much thereof as may be necessary.

For deficiency in the appropriation made by chapter four hundred sixty-five, laws of nineteen hundred eight, for the actual and necessary expenses of the assistant commissioners and employees,

except the assistant commissioner located at Albany, in the performance of their official duties, and for the actual and necessary incidental expenses of the department, seventeen thousand three hundred dollars (\$17,300), or so much thereof as may be necessary.

For deficiency in the appropriation made by chapter four hundred sixty-five of the laws of nineteen hundred eight, for the commissioner of agriculture for the actual and necessary traveling expenses of himself and of the assistant commissioner located at Albany, in the discharge of their official duties, five hundred dollars (\$500), or so much thereof as may be necessary.

For deficiency in the appropriation made by chapter four hundred sixty-five of the laws of nineteen hundred eight, for the purpose of investigation and extermination of San Jose scale and other dangerously infectious or contagious plant diseases or insect pest or pests, four thousand dollars (\$4,000), or so much thereof as may be necessary.

For collecting and disseminating information relative to agricultural labor within the state, as provided by article twelve of the agricultural law (chapter one of the consolidated laws), eight thousand dollars (\$8,000), or so much thereof as may be necessary.

For deficiency in the appropriation made by chapter four hundred sixty-five of the laws of nineteen hundred eight, for the actual and necessary incidental expenses as provided by article fourteen of the agricultural law (article twelve of chapter one of the consolidated laws), three thousand dollars (\$3,000), or so much thereof as may be necessary.

For expenses of the field work in enforcing the provisions of articles seven and nine of the agricultural law (chapter one of the consolidated laws) relating to concentrated commercial feeding stuffs and commercial fertilizers, seven thousand dollars (\$7,000), or so much thereof as may be necessary.

For the purpose of enforcing the provisions of articles four and eight of the agricultural law (chapter one of the consolidated laws) relating to the adulteration of vinegar and the adulteration or misbranding of foods, seventeen thousand dollars (\$17,000), or so much thereof as may be necessary.

For the continuation and extension of farmers' institutes, eleven thousand dollars (\$11,000), or so much thereof as may be necessary.

For enforcing the provisions of article five of the agricultural law (chapter one of the consolidated laws), relating to diseases of



domestic animals, one hundred forty-nine thousand dollars (\$149,000), or so much thereof as may be necessary.

For enforcing the provisions of article three of the agricultural law (chapter one of the consolidated laws), relating to dairy products, fourteen thousand dollars (\$14,000), or so much thereof as may be necessary.

For the compensation and expenses of one special detective agent, three thousand dollars (\$3,000), or so much thereof as may be necessary.

For the salary of employees according to grade: eighth grade, one employee, eighteen hundred dollars (\$1800); sixth grade, one employee, twelve hundred dollars (\$1200), one employee, eleven hundred forty dollars (\$1140), one employee, ten hundred twenty dollars (\$1020); fifth grade, one employee, nine hundred dollars (\$900).

For John T. Claris, for compensation for extra services rendered by him in connection with the foot and mouth disease outbreak, five hundred dollars (\$500).

For George L. Flanders, for deficiency in appropriation for salary from April one, nineteen hundred nine, to October one, nineteen hundred nine, three hundred dollars (\$300).

For V. P. Douw Lee, for deficiency in appropriation for salary from April one, nineteen hundred nine, to October one, nineteen hundred nine, two hundred twenty-five dollars (\$225).

For surveillance of agricultural fairs under the provisions of section three hundred ten of the agricultural law (chapter one of the consolidated laws), two thousand dollars (\$2,000), or so much thereof as may be necessary.

For furniture repairs and changes of offices, five thousand seven hundred ninety-four and forty-four one-hundredths dollars (\$5,794.44), which amount is hereby reappropriated from the unexpended balance of the appropriation for salaries made by chapter five hundred seventy-seven of the laws of nineteen hundred seven, or so much thereof as may be necessary.

For apportionment to agricultural fairs under the provisions of chapter one, section three hundred ten of the consolidated law, two hundred fifty thousand dollars (\$250,000), or so much thereof as may be necessary.

For the department of agriculture, to pay the claim of John Rainey, for cattle killed by order of the commissioner, taking practically all of his dairy, four hundred dollars (\$400).

## CORNELL UNIVERSITY.

For the New York State College of Agriculture at Cornell University:

For auditorium and laboratory building, seventy-five thousand dollars (\$75,000);

For the promotion of extension work on farms and with farmers of the state, ten thousand dollars (\$10,000);

The sum of twenty-two thousand nine hundred ninety-nine dollars (re. \$22,999) being the unexpended balance of appropriation made by chapter five hundred seventy-eight, laws of nineteen hundred seven, is hereby reappropriated for the same purpose, or so much thereof as may be necessary.

## SAINT LAWRENCE UNIVERSITY.

For the New York School of Agriculture at Saint Lawrence University, for the construction of a barn, twenty thousand dollars (\$20,000);

For animal stock, tools, farm machinery, vehicles, icehouses, swine, poultry and such other allied buildings as may be necessary and for the completion of the dairy building, ten thousand dollars (\$10,000);

For the equipment of the building already erected, seven thousand dollars (\$7,000), or so much thereof as may be necessary.

## STATE FAIR COMMISSION.

For the salaries of the commissioners, six thousand six hundred sixty-six dollars sixty-five cents (\$6,666.65); of the secretary of the commission, three hundred seventy-five dollars (\$375); of the treasurer of the commission, seven hundred fifty dollars (\$750); for the expenses of the commission, two thousand dollars (\$2,000); for printing and advertising, ten thousand dollars (\$10,000); for insurance, six hundred dollars (\$600); for fencing of grounds and painting, twenty-five hundred dollars (\$2500); for maintenance, improvement of grounds and general repairs, twenty thousand dollars (\$20,000); for payment of premiums at the state fair to be held in nineteen hundred nine, forty thousand dollars (\$40,000); for the construction of stables, twenty thousand dollars (\$20,000); for the construction of sewers, ten thousand dollars (\$10,000).

## STATE ARCHITECT.

For deficiency in the appropriation for the actual and necessary traveling expenses of the state architect and his employees in the performance of their official duties, six thousand dollars (\$6,000), or so much thereof as may be necessary.

The sum of two hundred eighty-two dollars twenty-six cents (re. \$282.26), being the unexpended balance of appropriation for salary of the state architect made by chapter five hundred seventy-seven, laws of nineteen hundred seven, the sum of four hundred forty-four dollars fifty cents (re. \$444.50), being the unexpended balance of appropriation for deputy state architect made by chapter four hundred sixty-six, laws of nineteen hundred eight, the sum of eighty-three dollars thirty-eight cents (re. \$83.38), being the unexpended balance of appropriation made by chapter four hundred sixty-six, laws of nineteen hundred eight, for deficiency in salaries of stenographers, the unexpended balances in appropriations made by chapter five hundred seventy-seven, laws of nineteen hundred seven, for salaries of engineering inspector, five hundred forty-one dollars forty-eight cents (re. \$541.48), structural engineer, two hundred twenty-five dollars forty cents (re. \$225.40), engineer, one hundred twenty-seven dollars thirty-four cents (re. \$127.34), five employees, twenty-nine dollars sixty-one cents (re. \$29.61), one employee, ninety dollars (re. \$90), one employee, nine dollars ten cents (re. \$9.10), the sum of one thousand three hundred eight dollars (re. \$1,308), being the unexpended balance made by chapter four hundred sixty-six, laws of nineteen hundred eight, for payment of the contractor for the construction of agricultural college at Cornell University, to be paid upon the certificate of the state architect, the sum of one thousand two hundred eighty-eight dollars (re. \$1,288), being the unexpended balance made by chapter five hundred seventy-eight, laws of nineteen hundred seven, for damages and expenses of contractors in constructing the new armory at Rochester, payable upon the certificate of the state architect, are hereby reappropriated for deficiency in office supplies and expenses, including blue printing apparatus, filing cases and cabinets, and alterations to office, and the further sum of one thousand dollars (\$1,000) is also appropriated for the same purpose.



## BANKING DEPARTMENT.

For printing, postage, express and other incidental office expenses, the sum of two thousand dollars (\$2,000), or so much thereof as may be necessary.

The amounts required for the aforesaid salaries, clerk hire, payment of examiners, and other expenses above mentioned, shall be refunded to the treasury from such portion of the interest earned by the moneys deposited with the superintendent of banks by the receivers of insolvent savings banks and the trustees of solvent savings banks which closed voluntarily as the superintendent of banks shall deem reasonable, and the remainder by the institutions subject to the supervision of the superintendent of banks, and required by law to make report to the banking department, through an assessment of fifteen dollars (\$15) upon each institution and upon each branch of an institution, without regard to the volume of assets, and by the apportionment of the residue pro rata according to the resources of each institution, the reported aggregate assets of which amount of fifty thousand dollars (\$50,000) or more.

## STATE BOARD OF CHARITIES.

For deficiency in maintenance, transportation and removal of state, nonresident and alien poor, ten thousand dollars (\$10,000), or so much thereof as may be necessary.

## EASTERN NEW YORK STATE CUSTODIAL ASYLUM.

For deficiency in the appropriation for the expenses of the commission appointed to select a site for the Eastern New York State Custodial Asylum, pursuant to the provisions of chapter three hundred thirty-one, laws of nineteen hundred seven, six thousand dollars (\$6,000), or so much thereof as may be necessary.

For deficiency in appropriation under chapter two hundred ninety-two, laws of nineteen hundred eight, for the purchase of land, eight thousand four hundred forty-two dollars twenty-five cents (\$8,442.25).

For searches and abstracts of title and insurance, required by the attorney-general, fifteen hundred dollars (\$1,500), or so much thereof as may be necessary.

## CIVIL SERVICE COMMISSION.

The sum of four hundred nine dollars forty-one cents (re. \$409.41), being the unexpended balance of appropriation for salaries, administration division, made by chapter five hundred seventy-seven, laws of nineteen hundred seven, sixteen dollars thirteen cents (re. \$16.13); the unexpended balance of appropriation made for salaries, examinations division, made by chapter five hundred seventy-seven, laws of nineteen hundred seven, forty-six dollars sixty-two cents (re. \$46.62); the unexpended balance of the appropriation for salaries, administration division, made by chapter four hundred sixty-five, laws of nineteen hundred eight, forty dollars (re. \$40); the unexpended balance of the appropriation made for salary of one employee of the fifth grade, examinations division, made by chapter four hundred sixty-five, laws of nineteen hundred eight, ninety dollars (re. \$90); the unexpended balance of the appropriation made for salary of one employee of the sixth grade, examinations division, made by chapter four hundred sixty-five, laws of nineteen hundred eight, fifty dollars (re. \$50); the unexpended balance of the appropriation made for salary of one employee of the sixth grade, examinations division, made by chapter four hundred sixty-five, laws of nineteen hundred eight, one hundred sixty-six dollars sixty-six cents (re. \$166.66); is hereby reappropriated for salaries of temporary employees or for other necessary office expenses of the civil service commission.

For deficiency in appropriation for the actual and necessary traveling expenses of the secretary, in the performance of his official duty, four hundred dollars (\$400), or so much thereof as may be necessary.

For deficiency in appropriation for postage and transportation of letters, official documents and other matter sent by express or freight, including boxes or covering for same, one thousand dollars (\$1,000), or so much thereof as may be necessary.

## DEPARTMENT OF EDUCATION.

For repairs, renewals and betterments of buildings, equipment, fixtures, furniture and such additional accommodations in the state normal schools as may be necessary, fifty thousand dollars (\$50,000), or so much thereof as may be necessary.

For repairs and improvements to school buildings and the purchase of necessary supplies for the Indian schools on the Allegany,

Cattaraugus, Onondaga, Tonawanda, Tuscarora, Saint Regis, Shinnecock and Poospatuck Indian reservations, three thousand dollars (\$3,000), or so much thereof as may be necessary.

For furniture, fixtures, equipment, library and apparatus for the new state normal college buildings at Albany, and for grading grounds and laying walks of same, fifty thousand dollars (\$50,000), or so much thereof as may be necessary.

For deficiency in appropriation for the training of teachers made by chapter four hundred sixty-five, laws of nineteen hundred eight, twenty-five thousand dollars (\$25,000), or so much thereof as may be necessary. From this appropriation each union free school district which maintained a training class during this school year ending July thirty-first, nineteen hundred eight, but which failed to maintain a membership of at least ten as required by law, shall be apportioned such a part of five hundred dollars as the number of members actually maintained during the year is a part of ten members required by law to entitle a class to apportionment.

For deficiency in the appropriation for common schools, one hundred eighty-four thousand dollars (\$184,000), or so much thereof as may be necessary, to be apportioned by the commissioner of education in the same manner as that prescribed for the apportionment of moneys appropriated to common schools by chapter four hundred sixty-five, laws of nineteen hundred eight.

For deficiency in the appropriation for cities, academies, academic departments and libraries, seventy thousand dollars (\$70,000), or so much thereof as may be necessary, to apportion an additional one-half cent per day for the attendance of academic pupils in academic departments of cities, union schools and academies as shown by their annual reports for the school year ending July thirty-first, nineteen hundred eight.

For deficiency in the appropriation in chapter four hundred sixty-five, laws of nineteen hundred eight, for the salaries of school commissioners, which deficiency was caused by the formation of a third school commissioner district in Clinton county, six hundred sixty-six dollars sixty-seven cents (\$666.67), or so much thereof as may be necessary, is hereby appropriated to pay the salary of the school commissioner of said district from February one, nineteen hundred nine, to September thirty, nineteen hundred nine.

For medical examinations, payable only from fees collected pursuant to statute for such examinations, nineteen thousand dollars (\$19,000), to be expended as follows:



For expenses of medical examinations, including postage, express, parchment for licenses, printing, engraving, supplies, office expenses of secretary, traveling expenses of examiners, rooms for holding examinations, and services of persons temporarily employed to conduct such examinations, and for expenses of hearings, as specified in laws of nineteen hundred seven, chapter three hundred forty-four, section eleven, six thousand dollars (\$6,000), or so much thereof as may be necessary.

For apportionment to the state board of medical examiners, nine thousand dollars (\$9,000), to be divided pro rata according to the number of candidates whose answer papers have been marked by each.

For the salary of the secretary of the state board of medical examiners for the year beginning June first, nineteen hundred nine, pursuant to chapter three hundred forty-four, laws of nineteen hundred seven, four thousand dollars (\$4,000).

For expenses of dental examinations, including postage, express, parchment for licenses, printing, engraving, supplies, traveling expenses of examiners, rooms for holding examinations and services of persons temporarily employed to conduct such examinations, and for the payment of the surplus to the state dental society, as provided in chapter two hundred fifteen, laws of nineteen hundred one and amendments thereto, six thousand dollars (6,000), or so much thereof as may be necessary, payable only from fees collected for such examinations.

For expenses of the veterinary examinations, including postage, express, parchment for licenses, printing, engraving, supplies, traveling expenses of examiners, rooms for holding examinations and services of persons temporarily employed to conduct such examinations, two hundred dollars (\$200), or so much thereof as may be necessary, and for apportionment on the basis provided in chapter six hundred sixty-one, laws of eighteen hundred ninety-three and the amendments thereto, three hundred dollars (\$300), or so much thereof as may be necessary, payable only from fees collected for such examinations.

For expenses of examinations of certified public accountants pursuant to chapter three hundred twelve, laws of eighteen hundred ninety-six, including postage, express, parchment for licenses, printing, engraving, supplies, traveling expenses of examiners, rooms for holding examinations and services of persons temporarily employed to conduct such examinations, one thousand dol-

lars (\$1,000), or so much thereof as may be necessary, payable only from fees collected for such examinations.

For expenses of examination of registered nurses, pursuant to article twelve of the public health law, three thousand eight hundred dollars (\$3,800), to be expended as follows:

For salary of inspector of nurse training schools, one thousand eight hundred dollars (\$1,800).

For expenses of nurse training examinations, including postage, express, parchment for certificates, printing, engraving, supplies, traveling expenses of examiners and inspectors, rooms for holding examinations and services of persons employed temporarily to conduct such examinations, two thousand dollars (\$2,000), or so much thereof as may be necessary.

For expenses of examinations of the state board of examiners in optometry, pursuant to chapter four hundred sixty, laws of nineteen hundred eight, including postage, express, parchment for licenses, printing, engraving, supplies, traveling expenses of examiners, rooms for holding examinations and services of persons temporarily employed to conduct such examinations, eight thousand dollars, (\$8,000), or so much thereof as may be necessary, payable only from fees collected for such examinations.

For field expenses of the director of the science division and his assistants, in geology, paleontology, entomology and archeology, two thousand five hundred dollars (\$2,500), or so much thereof as may be necessary.

For deficiency in the appropriation for expenses of the science division for the fiscal year ending September thirtieth, nineteen hundred nine, two thousand dollars (\$2,000), or so much thereof as may be necessary.

For deficiency in the appropriation for temporary services in the several divisions of the education department, except for the division of science and teachers' institutes, four thousand dollars (\$4,000), or so much thereof as may be necessary.

For indexing session laws as required by chapter thirty-two, section forty-five of the consolidated laws, one thousand five hundred dollars (\$1,500), or so much thereof as may be necessary.

#### DEPARTMENT OF EXCISE.

For salaries and expenses of special agent service, including salaries of sixty special agents, and salary and expenses of special detective service, twenty thousand dollars (\$20,000), or so much thereof as may be necessary.

For expenses incurred in the enforcement of section thirty-three of the liquor tax law, including attorneys' fees and expenses, expert services, storage, transportation and destruction of liquors, five thousand dollars (\$5,000), or so much thereof as may be necessary.

For the payment of rebates on surrender of liquor tax certificates, under the provisions of the liquor tax law, one hundred seventy-five thousand dollars (\$175,000), or so much thereof as may be necessary.

For preparation, printing, and binding of ten thousand copies of the liquor tax law, one thousand dollars (\$1,000), or so much thereof as may be necessary.

For furniture, books, blanks, binding, printing, stationery, and permanent office fixtures, three thousand dollars (\$3,000), or so much thereof as may be necessary.

The sum of fourteen thousand nine hundred three dollars thirty cents (re. \$14,903.30), being the unexpended balances of the appropriations made by chapter five hundred seventy-seven, laws of nineteen hundred seven, for general counsel, four thousand five hundred dollars (re. \$4,500), salaries, Albany office, nine thousand three hundred twelve dollars seventy-five cents (re. \$9,212.75); salaries, New York office, one hundred ninety-two dollars twenty cents (re. \$192.20); salaries, Brooklyn office, three hundred ten dollars eighty-six cents (re. \$310.86); rent, Buffalo office, one hundred thirty-five dollars (re. \$135); expenses of deputy state commissioner of excise, four hundred fifty-two dollars forty-nine cents (re. \$452.49), is hereby reappropriated for the following purposes:

For legal expenses, including salaries of attorneys and law stenographers for Albany, New York, Brooklyn and Buffalo offices, and compensation, costs, expenses and disbursements of attorneys under the provisions of the liquor tax law, ten thousand dollars (\$10,000), or so much thereof as may be necessary; for the payment of judgments against the state commissioner of excise, or against any special deputy commissioner of excise or county treasurer, where said judgments were obtained in actions brought or defended by the direction of the state commissioner of excise, one thousand dollars (\$1,000), or so much thereof as may be necessary; for the necessary expenses of the state commissioner of excise, five hundred dollars (\$500), or so much thereof as may be necessary; for the state's one-half share of the deficiency in salary



of the special deputy commissioner of excise for the borough of Queens, one hundred four dollars nineteen cents (\$104.19); for the state's one-half share of the deficiency in expenses of Queens office, seventy-four dollars fifty-six cents (\$74.56), or so much thereof as may be necessary; for temporary services, three thousand two hundred twenty-four dollars fifty-five cents (\$3,224.55), or so much thereof as may be necessary.

### FISCAL SUPERVISOR OF STATE CHARITIES.

For the salary of an inspector from June first, nineteen hundred nine, to September thirtieth, nineteen hundred nine, inclusive, five hundred dollars (\$500).

For deficiency in the appropriation for postage and transportation of letters, official documents, and other matter sent by express or freight, including boxes or covering for same, two hundred fifty dollars (\$250), or so much thereof as may be necessary.

For deficiency in the appropriation for the necessary expenses of the purchasing committee of the state charitable institutions for advertising for proposals, making chemical analyses, printing blanks, stationery, and postage, two hundred dollars (\$200), or so much thereof as may be necessary.

For converting part of the storeroom into additional office room for the clerical force, one thousand two hundred fifty dollars (\$1,250), or so much thereof as may be necessary.

For steel filing cases to contain the records of the department, one thousand eight hundred dollars (\$1,800), or so much thereof as may be necessary.

### FOREST, FISH AND GAME COMMISSION.

The sum of four thousand dollars (re. \$4,000), being a portion of the unexpended balance of an appropriation made by chapter five hundred seventy-seven, laws of nineteen hundred seven, for the expenses of game protectors, is hereby reappropriated for the payment of extra expenses of protectors in the discharge of duty outside their respective districts in special cases, and for the payment of special protectors when acting under the order of the commissioner or chief protector.

For the maintenance and hiring of steamboats and launches for patrolling the waters of the state, two thousand dollars (\$2,000), or so much thereof as may be necessary.

For the payment of justices, constables, attorneys, witnesses, court costs, surveying and securing evidence for prosecution for violations of the forest, fish and game law, twenty-five thousand dollars (\$25,000), or so much thereof as may be necessary, to be paid from moneys received from fines and penalties pursuant to chapter one hundred thirty, laws of nineteen hundred eight, constituting chapter nineteen of the consolidated laws.

For the completion of a dwelling-house for the expert forester in charge of the state nursery at Saranac Inn, Franklin county, five hundred dollars (\$500), or so much thereof as may be necessary.

For traveling expenses, calcium light, photographic work, and colored slides in delivering illustrated lectures on the subject of forestry, and the reforestation of denuded land, two thousand dollars (\$2,000), or so much thereof as may be necessary.

For continuing the survey, improving and plotting of state lands now under lease or to be leased in the future for the shell-fish industry, two thousand dollars (\$2,000), or so much thereof as may be necessary.

For rent, stationery, postage and office expenses of the bureau of marine fisheries in New York city, the sum of one thousand five hundred dollars (\$1,500), or so much thereof as may be necessary.

For the purpose of printing and distributing hunters' licenses, blanks and blank books relative thereto, together with an allowance to county clerks of a sum equal to three per centum of their receipts for hunters' licenses, in addition to their actual disbursements, the sum of ten thousand dollars (\$10,000), or so much thereof as may be necessary.

For establishing additional nurseries for the propagation of forest trees to be furnished to the citizens of the state at cost and planted under the direction and regulation of the forest, fish and game commission, and to be used in reforestation denuded and burned land in the forest preserve, ten thousand dollars (\$10,000), or so much thereof as may be necessary.

For deficiency in the salary of the assistant superintendent of forests, one hundred sixty-six dollars sixty-six cents (\$166.66).

For the purpose of making a draft of a new map of the Catskills which will conform to the sheets issued by the United States geological survey, one thousand two hundred dollars (\$1,200), or so much thereof as may be necessary.

For the salary of a clerk to take care of, distribute, and keep the records and accounts of hunters' licenses between the state and the various town, city, and county clerks, the sum of one thousand dollars (\$1,000), or so much thereof as may be necessary.

For the legal department of the commission:

For the salary of one additional stenographer, seven hundred twenty dollars (\$720).

For rent of office, seven hundred dollars (\$700).

For office expenses, supplies, et cetera, seven hundred fifty dollars (\$750).

For furniture, three hundred fifty dollars (\$350).

The sum of six hundred ninety-three dollars seventy-one cents (re. \$693.71), being the unexpended balance of an appropriation made by chapter five hundred seventy-eight, laws of nineteen hundred seven, for repairing the John Brown homestead at North Elba, is hereby reappropriated for the same purpose.

For the purchase of that portion of Lotus island in the Saint Lawrence river not now owned by the state, five thousand dollars (\$5,000), or so much thereof as may be necessary, the same when purchased to become a part of the Saint Lawrence reservation.

## HEALTH DEPARTMENT.

The sum of four hundred thirty-six dollars twenty-seven cents (re. \$436.27), being the unexpended balance of appropriations made by chapter five hundred seventy-seven, laws of nineteen hundred seven, and the sum of five hundred eighty-one dollars thirty-three cents (re. \$581.33), being the unexpended balance of appropriations made by chapter four hundred sixty-five, laws of nineteen hundred eight, for services of employees, are hereby reappropriated for additional or temporary services in said office.

For suppressing epidemics of smallpox and other infectious and contagious diseases in the several municipalities of the state, seven thousand five hundred dollars (\$7,500), or so much thereof as may be necessary.

For investigations of sewage, sewage disposal, watersheds, public nuisances, registration of vital statistics, and violations of the public health laws, three thousand five hundred dollars (\$3,500), or so much thereof as may be necessary.

For deficiency in the appropriation for the traveling expenses of the employees of the department in the discharge of official duties pursuant to the written direction of the commissioner, two thousand dollars (\$2,000), or so much thereof as may be necessary.



For deficiency in the appropriation for postage, transportation of letters, official documents and other matter sent by express or freight, including boxes or covering for same, one thousand dollars (\$1,000), or so much thereof as may be necessary.

For deficiency in the appropriation for furniture, books, blanks, binding, printing, messages, and other necessary and incidental office expenses, one thousand five hundred dollars (\$1,500), or so much thereof as may be necessary.

For the control and prevention of ophthalmia neonatorum and the prevention of blindness, five thousand dollars (\$5,000), or so much thereof as may be necessary.

For filing cases for the records of the department and for other office equipment, to be expended under the approval of the superintendent of public buildings, two thousand five hundred dollars (\$2,500), or so much thereof as may be necessary.

For the printing of the marriage licenses and record books for town, city, and county clerks, and express charges for distribution of same, ordered pursuant to chapter seven hundred forty-two, laws of nineteen hundred seven, three thousand dollars (\$3,000), or so much thereof as may be necessary.

For conducting, maintaining, and transporting the traveling exhibits of tuberculosis for the education of the public and the giving of lectures and the distribution of circulars and pamphlets in connection therewith, ten thousand dollars (\$10,000), or so much thereof as may be necessary.

For research work in the study of methods of disposal of the wastes and refuse from pulp mills, creameries, factories, and other industrial establishments, and the treatment of sewage, five thousand dollars (\$5,000), or so much thereof as may be necessary.

#### INSURANCE DEPARTMENT.

The following amounts are hereby appropriated for the superintendent of insurance and authorized to be paid by the treasurer on the warrant of the comptroller out of any moneys in the treasury not otherwise appropriated:

For increased rent of the New York office, six hundred twenty-five dollars (\$625).

For additional furnishings in the New York office, one thousand eight hundred dollars (\$1,800).

For the salary of third deputy superintendent, two thousand dollars (\$2,000).

For furniture, books, blanks, printing, stationery, messages, post-

age and transportation of letters, official documents, and other matter sent by express or freight, including boxes or covering for same, and necessary and incidental office expenses, including New York office, six thousand dollars (\$6,000), or so much thereof as may be necessary.

For the construction of mezzanine floor, cases and shelving, furniture, and other necessary expenses connected therewith for the office of the superintendent of insurance, two thousand one hundred fifty-four dollars (re. \$2,154), the unexpended balance granted by chapter five hundred seventy-eight, laws of nineteen hundred seven, which amount is hereby reappropriated.

For deficiency in the appropriation for printing one thousand copies of five volumes of the report to the legislature of nineteen hundred eight, one thousand five hundred dollars (\$1,500), or so much thereof as may be necessary.

#### STATE HISTORIAN.

The sum of two hundred four dollars fifty-three cents (re. \$204.53), being the unexpended balance of appropriations made by chapter six hundred eighty-three, laws of nineteen hundred six, and the sum of six hundred sixteen dollars (re. \$616), being the unexpended balance of appropriations made by chapter five hundred seventy-seven, laws of nineteen hundred seven, for office expenses, are hereby reappropriated as an express and shipping fund.

#### STATE COMMISSION IN LUNACY.

The sum of three hundred fifty thousand seven hundred thirteen dollars twenty-three cents (re. \$350,713.23), being the board moneys and miscellaneous receipts of the state hospitals during the year ending September thirtieth, nineteen hundred eight, paid into the state treasury pursuant to section thirty-seven of the state finance law, is hereby appropriated and made available to supply deficiencies in the maintenance account of the state hospitals during the year ending September thirtieth, nineteen hundred nine.

The sum of one hundred fifty thousand dollars (re. \$150,000), appropriated by chapter seven hundred two, laws of nineteen hundred five, for the construction of the reception hospital in New York city authorized by section three, chapter seven hundred

sixty, laws of nineteen hundred eight, to cost not to exceed three hundred thousand dollars, is hereby reappropriated for the same purpose.

For reimbursing the maintenance fund of the Rochester State Hospital, the sum of twenty-five thousand eight hundred twenty-one dollars thirty-one cents (re. \$25,821.31), being the amount advanced therefrom to maintain the manufacturing departments at the Rochester State Hospital for the period between April first, nineteen hundred eight and March thirty-first, nineteen hundred nine, is hereby appropriated from the receipts of the manufacturing departments of the same hospital paid into the state treasury pursuant to section thirty-seven of the state finance law.

For reimbursing the maintenance fund of the Utica State Hospital, the sum of sixty-one thousand thirteen dollars thirty-nine cents (re. \$61,013.39), being the amount advanced therefrom to maintain the manufacturing departments at the Utica State Hospital for the period between April first, nineteen hundred eight, and March thirty-first, nineteen hundred nine, is hereby appropriated from the receipts of the manufacturing departments of the same hospital paid into the state treasury pursuant to section thirty-seven of the state finance law.

The sum of three thousand nine hundred seventy-eight dollars (re. \$3,978), being the estimated unexpended balance of the appropriation made by chapter four hundred sixty-five, laws of nineteen hundred eight, for the transfer of patients from one hospital to another during the year ending September thirtieth, nineteen hundred nine, is hereby reappropriated and made available for the deportation of aliens and nonresident lunatics to other countries and states during the year ending September thirtieth, nineteen hundred nine.

For reimbursement of state hospitals' stewards for expenses incurred by them while acting as assistant treasurers in payment of premiums on bonds required by the state comptroller during the year ending September thirtieth, nineteen hundred nine, one hundred seventy dollars (\$170).

The sum of six thousand ninety-four dollars fifty-two cents (re. \$6,094.52), being the unexpended balance of the appropriation made by chapter five hundred seventy-seven, laws of nineteen hundred seven, for clerical hire for the year ending September thirtieth, nineteen hundred eight, is hereby reappropriated and made available for the actual and necessary traveling expenses



of special agents in the performance of their official duties during the year ending September thirtieth, nineteen hundred nine.

For deficiency in the salary of one stenographer in the office of the state commission in lunacy for the year ending September thirtieth, nineteen hundred nine, one hundred dollars (\$100).

The unexpended balances of former appropriations are hereby reappropriated for the same purposes, as follows:

For the Utica State Hospital, by chapter five hundred sixty-four, laws of nineteen hundred seven, for barn and silos, five thousand five hundred dollars (re. \$5,500).

For the Willard State Hospital, by chapter five hundred sixty-four, laws of nineteen hundred seven, for renewals to electric light plant, four hundred seven dollars thirty-seven cents (re. \$407.37).

For the Hudson River State Hospital, by chapter five hundred sixty-four, laws of nineteen hundred seven, for renewals to electric lights, three thousand dollars (re. \$3,000); for fences and repairs, five hundred dollars (re. \$500); for house for filter beds, eight hundred dollars (re. \$800); for new boilers, one thousand thirty-six dollars fifty-four cents (re. \$1,036.54); for porches for chronic building, one thousand sixty-one dollars twelve cents (re. \$1,061.12); by chapter four hundred seventy, laws of nineteen hundred eight, for hair cleaner and renovator, one thousand dollars (\$1,000); the above amount is hereby made available for new machinery for clothing, upholstering and harness shops.

For the Middletown State Homeopathic Hospital, by chapter five hundred sixty-four, laws of nineteen hundred seven, for nurses' home, forty thousand one hundred twenty dollars thirty-seven cents (re. \$40,120.37); for steam supply, nurses' home and farmer's house, three thousand dollars (re. \$3,000); for building for acute insane, sixty thousand dollars (re. \$60,000).

For the Buffalo State Hospital, by chapter five hundred sixty-four, laws of nineteen hundred seven, for tuberculosis pavilion, four thousand dollars (re. \$4,000).

For the Binghamton State Hospital, by chapter five hundred sixty-four, laws of nineteen hundred seven, for improvement of water supply and new lines, five thousand two hundred four dollars ninety-two cents (re. \$5,204.92); for roads and walks about new chronic and acute buildings, seven hundred thirteen dollars seventy-five cents (re. \$713.75); for telephone conduits and cables, two hundred eighty-six dollars ninety-four cents (re. \$286.94); for dining-room and kitchen addition, Broadmoor, three thousand five hundred ninety-five dollars (re. \$3,595); for reconstruction

of lighting and heating plant, fifteen thousand three hundred seventy-three dollars (re. \$15,373); for nurses' home and equipment, thirty-seven thousand two hundred eighty-three dollars sixty cents (re. \$37,283.60).

For the Rochester State Hospital, by chapter five hundred sixty-four, laws of nineteen hundred seven, for improvement of water supply, two thousand five hundred dollars (re. \$2,500).

For the Manhattan State Hospital, by chapter five hundred sixty-four, laws of nineteen hundred seven, for bakery building and equipment, one thousand two hundred four dollars forty-two cents (re. \$1,204.42).

For the preparation of plans and construction of one building at Comstock and for the installation of a system of water supply and sewage, which work shall be commenced as soon as conditions are favorable, one hundred thousand dollars (re. \$100,000), which amount is reappropriated from the unexpended balance of appropriation for the preparation of plans and the construction of one building at Comstock, made by chapter six hundred eighty-six, laws of nineteen hundred six.

For the Central Islip State Hospital, by chapter five hundred sixty-four, laws of nineteen hundred seven, for flour storage, seven hundred twenty-six dollars seventy cents (re. \$726.70); for feed barn and root cellar, one thousand six hundred forty dollars (re. \$1,640); for railroad locomotive, three thousand eight hundred twenty-three dollars twenty-four cents (re. \$3,823.24); and authority is hereby granted for the use of such balance for the purchase and equipment of a special hospital railroad car for the conveyance of patients to the said Central Islip State Hospital.

For the Manhattan State Hospital for deficiency in the appropriation made by chapter four hundred seventy, laws of nineteen hundred eight, for additional accommodations for medical staff, five thousand nine hundred forty-five dollars (\$5,945).

For the Saint Lawrence State Hospital for deficiency in the appropriation made by chapter four hundred seventy, laws of nineteen hundred eight, for dormitory for employees at Inwood, five thousand dollars (\$5,000).

For deficiency in the salary of the medical inspector for the year ending September thirtieth, nineteen hundred nine, five hundred eighty-three dollars thirty-one cents (\$583.31).

For the Middletown State Homeopathic Hospital for deficiency in the appropriation made by chapter four hundred seven, laws of

nineteen hundred six, reappropriated by chapter four hundred sixty-six, laws of nineteen hundred eight, and by chapter five hundred sixty-four, laws of nineteen hundred seven, for the erection of an acute building for one hundred patients, nine thousand five hundred dollars (\$9,500).

### DEPARTMENT OF LABOR.

The sum of one thousand six hundred fifty-six dollars twenty-one cents (re. \$1,656.21), being the unexpended balance of appropriation made by chapter five hundred seventy-seven of the laws of nineteen hundred seven, for salaries of assistant commissioners of labor, deputy factory inspectors, clerks, special agents and statisticians, is hereby reappropriated.

For temporary clerical services, seven hundred dollars (\$700).

For traveling expenses of the mercantile inspector and deputy mercantile inspectors, five hundred dollars (\$500).

For printing, express, and other incidental office expenses the balance, four hundred fifty-six dollars twenty-one cents (\$456.21), or so much thereof as may be necessary.

### NATIONAL GUARD.

For completing the records of the volunteers from this state in the war of the rebellion, and for printing and binding the same in book form, twenty thousand dollars (\$20,000), or so much thereof as may be necessary.

For deficiency in appropriation for allowance to officers to assist in uniforming and equipping themselves and organizations of the national guard for the purpose of defraying necessary military expenses, ten thousand five hundred dollars (\$10,500), or so much thereof as may be necessary.

For deficiency in appropriation for allowances to officers to assist in uniforming and equipping themselves and organizations of the naval militia for the purpose of defraying necessary military expenses, seven hundred dollars (\$700), or so much thereof as may be necessary.

For general expenses of the national guard and office of the adjutant-general to reimburse expenditures made in connection with obsequies of Governor George Clinton and celebration of the two hundred and fiftieth anniversary of the settlement of the city of Kingston, three thousand six hundred fifty dollars (\$3,650), or so much thereof as may be necessary.



For general expenses of the national guard and office of the adjutant-general to reimburse expenditures made in connection with centennial celebration at Nunda and Salamanca, one hundred fifty-five dollars ninety-six cents (\$155.96), or so much thereof as may be necessary.

For general expense of the national guard and office of the adjutant-general to reimburse expenditures made in connection with mobilization of troops at Albany participating in inaugural ceremonies January first, nineteen hundred nine, two thousand seven hundred three dollars nine cents (\$2,703.09), or so much thereof as may be necessary.

For general expense of the national guard and office of the adjutant-general to cover necessary expenses of field service and rifle practice of the national guard during the season of nineteen hundred nine, ninety thousand dollars, or so much thereof as may be necessary.

For the adjutant-general to cover expense of construction of mezzanine floors in rooms two hundred nine and two hundred ten, capitol, occupied by first, second, personnel and third divisions, adjutant-general's office, and for providing necessary fireproof furniture and filing cases, eight thousand dollars (\$8,000), or so much thereof as may be necessary.

For the armory commission, for repairs and improvements and betterments of the state arsenal, armories, camp grounds and rifle ranges throughout the state, and for necessary office and traveling expenses of the commission, one hundred twenty thousand dollars (\$120,000), or so much thereof as may be necessary.

For deficiency in appropriation for general expense of the naval militia to cover cost of stores, supplies, materials of war, textbooks and publications, decorations and prizes, pay of officers and men, and maintenance of vessels, launches, and other necessary expense, twenty-four thousand dollars (\$24,000), or so much thereof as may be necessary.

For clerical services and expenses in connection with disbursement of refund by United States to volunteers Spanish war, two thousand five hundred dollars (\$2,500), or so much thereof as may be necessary.

For dues and necessary traveling expense of delegates representing the state at convention of the national guard association of the United States to be held at Los Angeles, California, in May, nineteen hundred nine, five thousand dollars (\$5,000), or so much thereof as may be necessary.

For completing and binding the personal records of the volunteers from this state in the war of the rebellion and for the manuscript of the revised edition of "New York in the War of the Rebellion," twenty thousand dollars (\$20,000), or so much thereof as may be necessary. The adjutant-general is authorized to print of "New York in the War of the Rebellion," revised edition, as part of his annual report for the year nineteen hundred eight, the authorized number of copies, and in addition thereto a sufficient number of copies to allow thirty for each senator, ten for each member of assembly, and one for each post of the department of New York of the grand army of the republic.

### NIAGARA RESERVATION.

For the commissioners of the state reservation at Niagara for roads, public comfort stations and tree planting, the sum of fifteen thousand dollars (\$15,000), or so much thereof as may be necessary.

### PRINTING.

For deficiency in legislative and department printing; for printing additional copies of senate and assembly bills for session of nineteen hundred eight, as ordered by resolution of the assembly January thirteen, nineteen hundred eight; for printing five thousand copies of the memorial proceedings relative to the death of Honorable Stanislaus P. Franchot, ordered by resolution of the senate April twenty-third, nineteen hundred eight; for printing twenty-five hundred copies of the proceedings of the assembly relative to the death of Honorable William G. Hastings, ordered by the clerk of the assembly; for printing additional copies of senate and assembly bills for the session of nineteen hundred nine, ordered by resolution of the assembly January twenty-seventh, nineteen hundred nine; for printing three thousand additional copies of assembly bill number one hundred four, ordered by resolution of the assembly January twenty-seventh, nineteen hundred nine; for printing five hundred additional copies of the report of the New York Training School for Girls, ordered by concurrent resolution February tenth, nineteen hundred nine; for printing fifteen hundred additional copies of the reports of the public service commissions of the first and second districts, ordered by concurrent resolution February tenth, nineteen hundred nine,—

the sum of one hundred fifty thousand dollars, or so much thereof as may be necessary. All of which are hereby legalized and confirmed, and shall have the same force and effect as if the work therein ordered had been ordered by statute, and shall be paid for at the amount audited by the comptroller, in accordance with the contract rates fixed therefor in the contracts for legislative and department printing for the years in which such printing and binding was done, to be paid only upon the filing of proper receipts in full for said items.

For the Argus Company for printing under the direction of Charles R. Skinner, former superintendent of public instruction, one hundred ninety-nine dollars (\$199).

### STATE COMMISSION OF PRISONS.

For furniture, books, blanks, printing, stationery, messages, postage and transportation of letters, official documents and other matters sent by express or freight, including boxes or covering for same, and other necessary and incidental office expenses, eight hundred dollars (\$800), or so much thereof as may be necessary.

For a mezzanine floor in the office of the commission in the capitol, twelve hundred dollars (\$1,200), or so much thereof as may be necessary.

### PRISON DEPARTMENT.

For securing additional instruction in the several state prisons, three thousand dollars (\$3,000), or so much thereof as may be necessary, to be expended under the direction of the superintendent of state prisons.

For providing current literature for the several state prisons, two thousand dollars (\$2,000), or so much thereof as may be necessary, to be expended under the direction of the superintendent of state prisons.

For one stenographer from May first to October first, nineteen hundred nine, four hundred seventeen dollars (\$417).

### PRISON SCHOOLS.

For the salaries of three head teachers, three thousand six hundred dollars (\$3,600).

For school and library books, four hundred dollars (\$400).

For school apparatus and supplies, five hundred dollars (\$500).



## MAINTENANCE OF CONVICTS.

For deficiency in appropriation for the payment of the accounts rendered by the several penitentiaries of the state for the fiscal year ending September thirtieth, nineteen hundred eight, for the maintenance of convicts and tramps sentenced to said penitentiaries pursuant to law, thirty-five thousand one hundred seventy-five dollars twelve cents (\$35,175.12), or so much thereof as may be necessary.

## FOR THE BOARD OF CLASSIFICATION.

For stationery, office expenses, five hundred dollars (\$500), or so much thereof as may be necessary.

For stenographic services, seven hundred dollars (\$700), or so much thereof as may be necessary.

For traveling expenses of the secretary and pricing committee, one thousand dollars (\$1,000), or so much thereof as may be necessary.

## COMPENSATION OF SHERIFFS.

For deficiency in appropriation for compensation of sheriffs for the transportation of convicts sentenced to penitentiaries, houses of refuge and reformatories, eight thousand dollars (\$8,000), or so much thereof as may be necessary.

## STATE PROBATION COMMISSION.

For deficiency in the appropriation for the printing expenses for the fiscal year ending September thirtieth, nineteen hundred nine, four hundred dollars (\$400), or so much thereof as may be necessary.

## DEPARTMENT OF PUBLIC BUILDINGS.

For the compensation of the secretary to the trustees of public buildings, one thousand dollars (\$1,000).

For painting and other incidental repairing and furnishing needed to preserve and renew the buildings, premises and property in charge of the superintendent of public buildings, to be expended under his direction, five thousand dollars (\$5,000), or so much thereof as may be necessary.

For ordinary maintenance and extraordinary repairs of the senate house at Kingston, to be expended in the discretion of the superintendent of public buildings, three hundred dollars (\$300), or so much thereof as may be necessary.

For the re-wiring of the executive mansion, and all incidental expenses in connection therewith, to be expended in the discretion of the superintendent of public buildings, six thousand dollars (\$6,000), or so much thereof as may be necessary.

For the maintenance and medical and surgical care by a hospital of such officers, members and employees of the several departments, bureaus and branches of the state government located in Albany as may be injured or become sick while in the performance of their duties, two thousand dollars (\$2,000), or so much thereof as may be necessary, said persons to be admitted upon the certificate of the superintendent of public buildings, after proper evidence of disability shall have been filed with such superintendent over the signature of the head of the department, bureau or branch of said government in which said duties were performed and of a physician or surgeon duly authorized to practice medicine in the state of New York.

The sum of three thousand forty-six dollars ninety-two cents (\$3,046.92), being the unexpended balance of an appropriation made by chapter five hundred seventy-eight of the laws of nineteen hundred seven, for renewals, repairs and improvements of the plumbing and drainage systems of the public buildings and of the fixtures and appliances connected therewith, under the direction of the trustees of public buildings, or so much thereof as may be necessary, is hereby reappropriated for the same purpose.

For the purchase and installation of fire extinguishers and a standpipe for fire-extinguishing purposes in the capitol, to be expended in the discretion of the superintendent of public buildings, one thousand dollars (\$1,000), or so much thereof as may be necessary.

## DEPARTMENT OF PUBLIC WORKS.

For the services of the agent employed by the superintendent of public works on the request of the attorney-general, as provided in section two hundred seventy of the code of civil procedure, in defense of claims against the state on account of the canals, and for disbursements incurred by him, including the payment for such assistants as shall be necessary in the preparation of cases, to be advanced to said agent by the comptroller in such sums as may be approved by him upon such agent filing with the comptroller good and sufficient bond in the penalty of twelve thousand dollars, for which advances vouchers shall be rendered, twelve

thousand dollars (\$12,000), or so much thereof as may be necessary, payable from the canal fund.

For the salary and necessary traveling expenses of an engineer to be employed by the superintendent of public works to act in an advisory capacity, ten thousand dollars (\$10,000), or so much thereof as may be necessary, to be paid from moneys received from the sale of bonds, pursuant to chapter one hundred forty-seven, laws of nineteen hundred three.

For constructing, repairing and maintaining highways and bridges on the various Indian reservations of the state, fifteen thousand dollars (\$15,000), or so much thereof as may be necessary.

In addition to the sum of five thousand dollars appropriated by chapter four hundred sixty-six, laws of nineteen hundred eight, for the arching over and otherwise improving that portion of the Eighteen Mile creek from East avenue to Pound street in the city of Lockport, to abate nuisance caused by its present unprotected condition, the sum of five thousand dollars (\$5,000), or so much thereof as may be necessary.

For the repair and improvement of the highway between Childwold and Childwold Station, in the town of Piercefield, in the county of Saint Lawrence, two thousand five hundred dollars (\$2,500), or so much thereof as may be necessary.

For the repairs and maintenance of the two state dams and the locks therein, situated on state land on the Saranac river, between Middle Saranac lake and Oseetah lake and making the waters thereof navigable and safe, five thousand dollars (\$5,000), or so much thereof as may be necessary.

For repairs and maintenance of the state dam on state land in township twenty at the outlet of Long pond, or in the discretion of the superintendent of public works for the erection of a new concrete dam, two thousand dollars (\$2,000), or so much thereof as may be necessary.

For reimbursing the village of Fort Plain, Montgomery county, for expense of paving the approaches to Main and River streets lift-bridges across the Erie canal, and paving on state property on Hancock street in said village, one thousand five hundred sixty-one dollars forty-two cents (\$1,561.42), or so much thereof as may be necessary.

For the repair and improvement of the highway known as the state road, between South Colton and Piercefield, in Saint Law-



rence county, four thousand dollars (\$4,000), or so much thereof as may be necessary.

For repairing the highway between Lawton Station and Thomas Indian school, Iroquois, and repairing the old bridge or building a new bridge across Clear creek, in the discretion of the superintendent of public works, one thousand five hundred dollars (\$1,500), or so much thereof as may be necessary.

For removing stumps and dead timber and improving and rendering safe the navigation of Big Tupper lake and Raquette pond and the channel between, ten thousand dollars (\$10,000), or so much thereof as may be necessary.

For rebuilding the state dam across the Black river at Carthage, the sum of fifteen thousand dollars (\$15,000), or so much thereof as may be necessary, but no part of the above appropriation shall be available except for plans, specifications and advertising until a contract for the completion of the work herein authorized shall have been duly made by the superintendent of public works with a responsible bidder and the performance thereof duly secured by a sufficient bond approved by the comptroller, which contract shall guarantee to the state that no further demand or claim shall be made against the state for the completion of the same in excess of the sum hereby appropriated, and upon the further condition that the plans shall not permit the raising of the water above the present flow line.

For cleaning out the state ditch in Livingston county, in the towns of Livonia, Lima and Avon and the ditch leading into the main ditch, known as the East ditch, seven thousand dollars (\$7,000), or so much thereof as may be necessary.

For constructing a breakwater at Cranberry lake, in the county of Saint Lawrence, five thousand dollars (\$5,000), or so much thereof as may be necessary.

For repairs and maintenance of the drawbridge across Minisceongo creek and the drawbridge known as Drake's drawbridge, in Rockland county, five hundred dollars (\$500), or so much thereof as may be necessary.

For the improvement of the highway leading to the state dam at Stillwater, Saint Lawrence county, six thousand dollars (\$6,000), or so much thereof as may be necessary.

For cleaning out Round lake, Saratoga county, two thousand dollars (\$2,000), or so much thereof as may be necessary.

For the construction of a cement sidewalk along the easterly side of Main and Elizabeth streets in the city of Oneida, upon lands of the state or adjacent thereto a distance of about sixteen hundred feet, one thousand six hundred dollars (\$1,600), or so much thereof as may be necessary.

For the repair of the sea wall between the villages of East Marion and Orient in Suffolk county, one thousand five hundred dollars (\$1,500), or so much thereof as may be necessary.

For improving that portion of the highway in the town of Edinburg, county of Saratoga, known as "Glass Mountain Road" which passes for several miles through lands owned wholly or in part by the state of New York, one thousand dollars (\$1,000), or so much thereof as may be necessary.

#### PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

The sum of two hundred fifty-two thousand four hundred ninety-five dollars five cents (re. \$252,495.05), being the unexpended balance of an appropriation made by chapter five hundred seventy-eight, laws of nineteen hundred seven, for the abolition of grade crossings, is hereby reappropriated for the same purpose.

The sum of seventy-five thousand dollars (re. \$75,000), being the unexpended balance of an appropriation made by chapter five hundred seventy-eight, laws of nineteen hundred seven, to apply toward the abolition of grade crossings in the city of Schenectady, pursuant to chapter five hundred seventy-eight, laws of nineteen hundred seven, is hereby reappropriated for the same purpose.

The sum of three hundred thousand dollars (re. \$300,000), being the unexpended balance of an appropriation made by chapter five hundred seventy-eight, laws of nineteen hundred seven, for the abolition of grade crossings, is hereby reappropriated for the same purpose.

For salaries of additional employees from May first, nineteen hundred nine, to October thirtieth, nineteen hundred nine, ten thousand one hundred fifty-one dollars (\$10,151), or so much thereof as may be necessary.

For deficiency for printing, stationery, reports of hearings and incidental expenses, nine thousand dollars (\$9,000), or so much thereof as may be necessary.

## BOARD OF STATUTORY CONSOLIDATION.

For the board of statutory consolidation created by chapter six hundred sixty-four of the laws of nineteen hundred four, for deficiency in appropriation for salaries, traveling expenses and incidental office expenses including rent, postage, stationery, telephone and telegraph and other charges, two thousand one hundred fifty-one dollars twelve cents (\$2,151.12), or so much thereof as may be necessary, to be paid by the treasurer on the warrant of the comptroller on the certificate of the chairman of said board.

## STATE BOARD OF TAX COMMISSIONERS.

The sum of two thousand dollars (re. \$2,000), or so much thereof as may be necessary, being a portion of the unexpended balance of appropriation made by chapter five hundred seventy-seven of the laws of nineteen hundred seven, for traveling expenses of the commissioners, is hereby reappropriated for furniture, books, blanks, printing, stationery, messages, postage and transportation of letters, official documents and other matter sent by express or freight, including boxes or covering for same, and other incidental and necessary office expenses.

The sum of five hundred dollars (re. \$500), or so much thereof as may be necessary, being a portion of the unexpended balance of appropriation made by chapter five hundred seventy-seven of the laws of nineteen hundred seven, for salaries of employees, is hereby reappropriated for temporary services.

For additional salary of special agents, six hundred dollars (\$600), or so much thereof as may be necessary.

For expenses of delegates to international tax conference and printing of the proceedings thereof, five hundred dollars (\$500), or so much thereof as may be necessary. The printed report of such conference to be distributed under the direction of the state board of tax commissioners.

## STATE WATER SUPPLY COMMISSION.

For continuing the investigations under chapter five hundred sixty-nine, laws of nineteen hundred seven, thirty thousand dollars (\$30,000), or so much thereof as may be necessary.

For collecting statistics required by chapter seven hundred twenty-three, laws nineteen hundred five, as amended by chapter



four hundred fifteen, laws nineteen hundred six, one thousand dollars (\$1,000), or so much thereof as may be necessary.

## DEPARTMENT OF WEIGHTS AND MEASURES.

For salary of inspector, six hundred dollars (\$600), or so much thereof as may be necessary.

For expenses of exhibiting the work of the department at the state fair at Syracuse, two hundred dollars (\$200), or so much thereof as may be necessary.

## STATE CHARITABLE INSTITUTIONS.

### REFUNDS.

The following sums shall be paid from the money paid into the treasury of the state under section thirty-seven of the state finance law, as added by chapter five hundred eighty, laws of eighteen hundred ninety-nine, and amended by chapter five hundred sixty-one of the laws of nineteen hundred seven, to be expended for maintenance:

For the New York State School for the Blind at Batavia, two thousand dollars (\$2,000); for the Syracuse Institution for Feeble-Minded Children at Syracuse, fourteen thousand dollars (\$14,000); for the New York State Reformatory at Elmira, forty thousand dollars (\$40,000); for the Craig Colony for Epileptics at Sonyea, forty-five thousand dollars (\$45,000).

The following sums for deficiency in maintenance for the fiscal year ending September thirtieth, nineteen hundred nine, made necessary by the increase of salaries of employees, additional cost for commodities and increase in population:

The Western House of Refuge for Women at Albion, five thousand dollars (\$5,000); for the New York State School for the Blind at Batavia, one thousand dollars (\$1,000); for the New York State Soldiers' and Sailors' Home at Bath, twenty-five thousand dollars (\$25,000); for the New York State Reformatory at Elmira, ten thousand dollars (\$10,000); for the New York State Training School for Girls at Hudson, five thousand dollars (\$5,000); for the Eastern New York Reformatory at Napanoch, twenty thousand dollars (\$20,000); for the New York House of Refuge at Randall's Island, ten thousand dollars (\$10,000); for the Rome State Custodial Asylum at Rome, ten thousand dollars

(\$10,000); for the Craig Colony for Epileptics at Sonyea, fifteen thousand dollars (\$15,000); for the Syracuse State Institute for Feeble-Minded Children at Syracuse, five thousand dollars (\$5,000).

#### THOMAS INDIAN SCHOOL, IROQUOIS.

To rebuild barn on the institution grounds, recently destroyed by fire, seven thousand five hundred dollars (\$7,500).

#### ROME STATE CUSTODIAL ASYLUM, ROME.

To reimburse the maintenance fund for the fiscal year ending September thirtieth, nineteen hundred nine, for money expended from the maintenance fund for replacing household and other supplies destroyed by fire, with building B of that institution, the first of last November, twelve thousand dollars (\$12,000).

#### STATE AGRICULTURAL AND INDUSTRIAL SCHOOL, INDUSTRY.

For salary of custodian of the abandoned State Industrial School at Rochester, one thousand dollars (\$1,000).

#### REAPPROPRIATIONS.

The unexpended balances of former appropriations are hereby reappropriated for the same purposes as follows, namely:

For the Western House of Refuge for Women at Albion, by chapter five hundred seventy-one, laws of nineteen hundred seven, for cottage for inmates, five hundred seventy-eight dollars four cents (\$578.04).

For the New York State School for the Blind at Batavia, by chapter five hundred seventy-one, laws of nineteen hundred seven, for repairs to sewer, three hundred seventy-one dollars ninety-six cents (\$371.96); for repairs and equipment, one hundred thirty-five dollars thirty-four cents (\$135.34); by chapter five hundred seventy-eight, laws of nineteen hundred seven, for laundry equipment, two hundred twenty-nine dollars seventy-seven cents (\$229.77).

For the New York State Reformatory for Women at Bedford, by chapter five hundred seventy-one, laws of nineteen hundred seven, for industrial building, four thousand five hundred twenty-nine dollars fifty-seven cents (\$4,529.57); for material for steps, one hundred twelve dollars seventy cents (\$112.70); by chapter

five hundred seventy-eight, laws of nineteen hundred seven, for two cottages, one thousand three hundred fifty-five dollars fourteen cents (\$1,355.14).

For the New York State Reformatory at Elmira, by chapter five hundred seventy-one, laws of nineteen hundred seven, for cell blocks, twenty-six thousand nine hundred seventy dollars fifty cents (\$26,970.50); for equipping trade school building, one hundred eight dollars sixty-one cents (\$108.61); for repairs and equipment, two hundred twenty-three dollars twelve cents (\$223.12); by chapter five hundred seventy-eight, laws of nineteen hundred seven, for electric cables, wires, et cetera, two hundred fifty-two dollars (\$252); for plumbing, sewage, repairs, et cetera, seven hundred forty-six dollars seventy-three cents (\$746.73); for repairs to electric plant, one hundred thirty-two dollars seventy-two cents (\$132.72); for plumbing in cell blocks, one hundred sixty-four dollars thirty-one cents (\$164.31); for plumbing, sewage, repairs, et cetera, two hundred forty-five dollars sixty-four cents (\$245.64).

For the New York State Training School for Girls at Hudson, by chapter five hundred seventy-one, laws of nineteen hundred seven, for furnishings for cottages, four thousand four hundred twenty-one dollars seventy-five cents (\$4,421.75); by chapter five hundred seventy-eight, laws of nineteen hundred seven, for contact bed, sewer disposal, one thousand dollars (\$1,000).

For the State Agricultural and Industrial School at Industry, by chapter five hundred seventy-one, laws of nineteen hundred seven, for furnishings, three hundred forty-nine dollars twenty-seven cents (\$349.27); for under and over passes, five thousand dollars (\$5,000); for cold storage building, three thousand five hundred ninety-three dollars fifty cents (\$3,593.50); for creamery building, three thousand dollars (\$3,000); for shed for tools, three thousand dollars (\$3,000); for grist mill, three thousand four hundred eighty-eight dollars twelve cents (\$3,488.12); for removal of plumbing fixtures, seven hundred seventy-nine dollars eighty-seven cents (\$779.87); for trade school and laundry equipment, eight thousand three hundred ninety-four dollars twenty-four cents (\$8,394.24); by chapter five hundred seventy-eight, laws of nineteen hundred seven, for site and buildings, five hundred thirteen dollars seventy-four cents (\$513.74).

For the Eastern New York Reformatory at Napanoch, by chapter five hundred seventy-one, laws of nineteen hundred seven, for concrete wall, eleven thousand sixteen dollars twenty-nine cents



(\$11,016.29); for power plant, fourteen thousand five hundred eighty-nine dollars thirty-two cents (\$14,589.32); for water supply, three thousand three hundred thirty-five dollars forty-four cents (\$3,335.44); for equipping trade schools, two thousand six hundred forty-five dollars fifty cents (\$2,645.50); by chapter five hundred seventy-eight, laws of nineteen hundred seven, for window guards, six hundred three dollars ninety-two cents (\$603.92); for grading, et cetera, four hundred thirty-one dollars eighty-one cents (\$431.81); for furnishing mess hall and kitchen, five hundred five dollars forty-five cents (\$505.45); for furnishing and equipping storehouse, two hundred fifty-seven dollars thirty-three cents (\$257.33); for two boilers, three thousand dollars (\$3,000).

For the New York State Custodial Asylum at Newark, by chapter five hundred seventy-one, laws of nineteen hundred seven, for repairs to boilers, one thousand five hundred ninety-six dollars four cents (\$1,596.04); for furnishing attic at cottage D, one thousand two hundred dollars (\$1,200); for furnishing attics of cottages E and F, nine hundred ninety-seven dollars (\$997); for repairs, et cetera, cottages E and F, one thousand one hundred ninety-five dollars seven cents (\$1,195.07); by chapter five hundred seventy-eight, laws of nineteen hundred seven, for sewage disposal plant, one hundred thirty-one dollars seventy-seven cents (\$131.77).

For the New York State Woman's Relief Corps Home at Oxford, by chapter five hundred seventy-eight, laws of nineteen hundred seven, for conduits, pipes, et cetera, two hundred sixty-nine dollars sixty-two cents (\$269.62).

For the New York State Hospital for the Treatment of Incipient Pulmonary Tuberculosis at Ray Brook, by chapter five hundred seventy-one, laws of nineteen hundred seven, for barn, seven hundred three dollars seventy-four cents (\$703.74); for shafts and tents, two thousand five hundred dollars (\$2,500); by chapter five hundred seventy-eight, laws of nineteen hundred seven, for construction and equipment, one thousand five hundred thirty-six dollars ten cents (\$1,536.10).

For the Rome State Custodial Asylum at Rome, by chapter five hundred seventy-one, laws of nineteen hundred seven, for reconstruction north-end building, four thousand five hundred dollars (\$4,500); for granolithic floors, two hundred thirty-two dollars eighty-five cents (\$232.85); for furnishing employees' building, one hundred thirty-five dollars sixty-four cents (\$135.64); for water supply system, one thousand dollars (\$1,000).

For the Craig Colony for Epileptics at Sonyea, by chapter five

hundred seventy-one, laws of nineteen hundred seven, for stone roadway across estate, one thousand eighteen dollars sixty-six cents (\$1,018.66); for stone roadway on estate, five thousand one hundred sixty-nine dollars ninety-one cents (\$5,169.91); for four cottages for employees, one thousand thirty-four dollars seventy-nine cents (\$1,039.79); for additional boiler connections, et cetera, one thousand one hundred thirty-seven dollars seventeen cents (\$1,137.17); by chapter five hundred seventy-eight, laws of nineteen hundred seven, for pavilion for contagious diseases, two hundred ninety-six dollars sixty-three cents (\$296.63).

For the New York State Hospital for the Care of Crippled and Deformed Children at West Haverstraw, by chapter five hundred seventy-one, laws of nineteen hundred seven, for sewer and connections, one hundred seventy-nine dollars twenty cents (\$179.20).

The following unexpended balances of former appropriations are hereby reappropriated for purposes as stated, as follows, namely:

For the New York State Hospital for the Care of Crippled and Deformed Children at West Haverstraw, by chapter four hundred sixty-six, laws of nineteen hundred eight, for grading, switch and draining, three thousand four hundred dollars (\$3,400) is reappropriated for grading, sewerage and drainage, and one thousand five hundred forty-two dollars twenty-five cents (\$1,542.25) for alterations to barn and furnishings; by chapter four hundred sixty-nine, laws of nineteen hundred eight, for open-air pavilion, one thousand dollars (\$1,000) is reappropriated for repairs and equipment.

For the New York State Hospital for the Treatment of Incipient Pulmonary Tuberculosis at Ray Brook, by chapter four hundred sixty-nine, laws of nineteen hundred eight, for completing shacks, four thousand dollars (\$4,000) is reappropriated for shacks and tents.

For the Eastern New York Reformatory at Napanoch, by chapter five hundred seventy-eight, laws of nineteen hundred seven, for trade school and shop building, two thousand four hundred eighty-six dollars twenty-five cents (\$2,486.25) is reappropriated for equipping trades school and shop building.

#### MISCELLANEOUS.

For the lieutenant-governor for extra stenographic and clerical services, one thousand two hundred fifty dollars (\$1,250), or so much thereof as may be necessary.

For the speaker of the assembly, for extra stenographic and clerical services, one thousand dollars (\$1,000), or so much thereof as may be necessary.

For the salary of the superintendent of Onondaga salt springs, as provided by chapter twenty-seven, laws of eighteen hundred ninety-eight, one thousand five hundred dollars (\$1,500).

For the salary of the caretaker of the state reservation at Stony Point, for water rent, and for the care and maintenance of and repairs and improvements to the buildings and grounds, one thousand dollars (\$1,000), or so much thereof as may be necessary.

For the secretary of the state charities building commission for services, five hundred dollars (\$500).

For the Department of New York, Grand Army of the Republic, for incidental office expenses, including postage, printing, telegraph and telephone charges, two thousand three hundred dollars (\$2,300), or so much thereof as may be necessary.

To the agent of the Indians on the Onondaga reservation, for the purchase and distribution of salt to said Indians, pursuant to existing treaty provisions, the sum of fifty dollars (\$50), or so much thereof as may be necessary.

For Louis Eimer for services and disbursements as subexaminer for New York state board of barber examiners, under contract, forty-two dollars fifty cents (\$42.50), or so much thereof as may be necessary.

For Dayton F. Smith for balance unpaid for services and disbursements incurred prior to January first, nineteen hundred seven, in prosecuting violations of the agricultural law pursuant to designation by the attorney-general, eight hundred fifty-eight dollars (\$858), or so much thereof as may be necessary.

For Jastrow Alexander for disbursements as state inspector of gas meters, three hundred forty-two dollars seventy-two cents (\$342.72), or so much thereof as may be necessary.

For the compromise and settlement of the claim of the city of Auburn against the state of New York for three thousand one hundred two dollars seventy cents and interest from January first, nineteen hundred three, for laying a cement sidewalk in front of the Auburn State Prison, the agreed compromise sum of one thousand five hundred dollars (\$1,500).

For the comptroller to pay balance due to creditors of the Clemence Construction Company, bankrupts, on account of claims filed against its contract for erecting agricultural school building



at Saint Lawrence University at Canton, twelve thousand dollars (\$12,000), or so much thereof as may be necessary; said creditors on receipt of amounts there due to subrogate the state of New York to all their rights, and the amounts so advanced to be recovered by action against or settlement with the Fidelity and Deposit Company of Maryland, surety for said Clemence Construction Company.

For Abraham E. Perren, two thousand dollars (\$2,000), pursuant to the recommendation and resolution of the New York state fair commission unanimously adopted May thirteenth, nineteen hundred eight, for extra services, performing work of superintendent of grounds and buildings, and for necessary expenses incident to living upon the state fair grounds during the year nineteen hundred eight.

For necessary repairs to Grant cottage on Mount McGregor, for care and maintenance of the grounds surrounding the same and the highway leading thereto, five hundred fifty dollars (\$550), or so much thereof as may be necessary.

For the secretary of the state charities building commission for services, five hundred dollars (\$500).

For the trustees of Washington's headquarters at Newburgh for compensation of the superintendent and assistants, and for the care, maintenance, repairs, and improvements of the grounds, including heating and lighting the buildings thereon, two thousand five hundred dollars (\$2,500), or so much thereof as may be necessary.

For the trustees of Washington's headquarters at Newburgh for the purpose of equipping the new museum building with cases and other furniture with which to exhibit the trophies, et cetera, in the care of said trustees; for the purpose of connecting the headquarters' building with the steam plant in the museum building, and installing heating appliances in the headquarters' building; for the purpose of painting and repairing the iron fences on the headquarters' grounds; for the purpose of grading around the museum building and restoring old roads and constructing new roads; for the purpose of erecting a steel flagstaff, and for the purpose of moving, arranging, and cataloging the trophies, relics, et cetera, in the care of the said trustees the sum of five thousand dollars (\$5,000), or so much thereof as may be necessary, the same to be paid by the state treasurer upon bills audited and approved by said trustees.

For the care, maintenance, repair and improvement of Sir William Johnson mansion and grounds connected therewith, to be paid to the Johnstown Historical Society, one thousand six hundred dollars (\$1,600), or so much thereof as may be necessary.

For Caroline Bedell, widow of the late Edwin A. Bedell, state reporter, who died March sixteenth, nineteen hundred eight, so much of the annual compensation of such reporter as would have been earned by him at the close of the fiscal year, September thirtieth, nineteen hundred eight, had he continued to live until that time, the sum of two thousand seven hundred one dollars sixty-three cents (\$2,701.63), being the balance of the sum appropriated for the salary of reporter for the fiscal year ending on that date.

For the care and maintenance of, and improvement to, the buildings and grounds of the state reservation at Stony Point, for graveling and surfacing the roads and walls on said reservation and the right of way thereto, and for the construction of new roads, for grading, for water rent, for public comfort stations, and for the expense of mounting and emplacement of revolutionary cannon donated by act of congress, two thousand dollars (\$2,000), or so much thereof as may be necessary.

For the custodian of the Governor George Clinton house at Poughkeepsie for repairs, improvements, and maintenance, six hundred dollars thirty-nine cents (\$600.39), or so much thereof as may be necessary.

For the salary of the superintendent and caretakers at Watkins Glen, two thousand dollars (\$2,000).

For repairs at Watkins Glen as follows:

For completion of shelter pavilion at main entrance, one thousand five hundred dollars (\$1,500); for designs, plans, photographs, and oversight of construction, one thousand dollars (\$1,000); for surveys, boundary lines, and monuments, five hundred dollars (\$500); for printing, stationery, traveling and contingent expenses, five hundred dollars (\$500), or so much of said amounts as may be necessary.

To the commissioners of Fire Island state park, for maintenance, current running expenses, and for the construction of docks, bulkheads, walks, buildings and for landscape developments, two thousand dollars (\$2,000) or so much thereof as may be necessary.

## ALASKA-YUKON-PACIFIC EXPOSITION.

For a state exhibit at the Alaska-Pacific-Yukon exposition to be held at Seattle, Washington, in the year nineteen hundred nine, twelve thousand dollars (\$12,000).

The sum of eighteen thousand dollars (re. \$18,000), being the unexpended balance of appropriation made by chapter five hundred seventy-eight, laws of nineteen hundred seven, is hereby re-appropriated, the same to be expended or so much thereof as may be necessary, according to provision for appropriation for such exposition, pursuant to chapter four hundred sixty-six, laws of nineteen hundred eight.

For expenses of the governor's staff and committee to be appointed by the legislature to attend such exposition on New York day, ten thousand dollars (\$10,000), or so much thereof as may be necessary, to be paid out upon the certificate of the president of the senate and the speaker of the assembly.

For the trustees of the Mount Tabor Manual Training and Industrial School for Colored Youth at number fifty-seven West One Hundred Thirty-fourth street, New York city, for maintenance, improvements, repairs, books equipment and incidental expenses, one thousand dollars (\$1,000).

§ 2. No manager, trustee or other officer of any state, charitable or other institution receiving moneys under this act from the state treasury for maintenance and support shall be interested in any purchase, sale or contract made by any officer for any of said institutions.

In accounts for repairs or new work not done under contract provided for in this act the name of each workman, the number of days he has been employed, and the rate and amount of wages paid to him shall be given. If contracts are made for repairs or new work, or for supplies, duplicates thereof, with specifications, shall be filed with the comptroller.

Moneys herein appropriated or reappropriated for building or structural work, or for the repair, improvement or furnishing thereof, or for the purchase or improvement of grounds, or for labor, salaries or maintenance shall only be advanced to the proper authorities as the work progresses or the purchase is made and upon bills duly certified, rendered and audited.

§ 3. This act shall take effect immediately.



(No. 39.)

AN ACT to amend the Greater New York charter, in relation to ambulance service.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Chapter thirteen of the Greater New York charter, as re-enacted by chapter four hundred and sixty-six of the laws of nineteen hundred and one, is hereby amended by inserting therein a new title, to be title four thereof, which shall contain a new section to be section six hundred and ninety-three-a, to read as follows:

*TITLE 4.*

BOARD OF AMBULANCE SERVICE.

§ 693-a. 1. *The commissioner of police, the commissioner of public charities and the president of the board of trustees of Bellevue and allied hospitals shall constitute a board, which shall be known as the "Board of Ambulance Service." The commissioner of police shall be the president of the board; the commissioner of public charities shall be the secretary thereof. The board may assign to the clerical work of the board such assistance as may be necessary. Said board shall:*

*Exercise general control over and establish rules and regulations governing all ambulance service in the city of New York, except such ambulance service as shall be maintained by the department of health.*

*Establish ambulance districts from time to time and alter the boundaries of such districts.*

*Enter into a contract in writing with any hospital corporation desiring to maintain an ambulance service, which contract shall define the obligations assumed by said hospital corporation, on condition that the ambulance district defined therein be assigned to it by the board, and reserving to the board the authority to terminate such contract, if, in their judgment, a satisfactory ambulance service is not maintained at all times by the said hospital.*

*Establish and maintain an ambulance service in any district which, in the judgment of the board, is inadequately provided with ambulance service, when means shall have been provided therefor by the board of estimate and apportionment.*

*Provide for the reception of all calls for ambulance service from*

any locality in the city of New York, notify the hospital maintaining an ambulance service in the district from which the call is received, and, in case said hospital has no available ambulance, notify the nearest hospital having an ambulance available. Said board shall keep a record of all such calls and of their assignment by it.

2. Subject to the control of the board of ambulance service, the commissioner of public charities and the board of trustees of Bellevue and allied hospitals shall maintain an ambulance service in connection with each hospital under their respective jurisdictions whenever in their judgment it is desirable so to do.

§ 2. This act shall take effect immediately.

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(No. 40.)

AN ACT to make the office of supervisor in the county of Fulton a salaried office.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Each supervisor hereafter elected or appointed for a town or ward of a city in the county of Fulton shall receive as compensation for his services as a member of the board of supervisors and county canvassers an annual salary of three hundred dollars. No supervisors shall receive any other or greater sum for his said services except for such as may be by law a town or city charge. Such salaries shall commence with the first day of January, nineteen hundred and nine, and nothing herein contained shall be construed to alter or abridge the right of said supervisors to receive compensation at the rate of four dollars a day for services rendered prior to the said first day of January, nineteen hundred and nine.

§ 2. If any member of the said board of supervisors shall resign or if for any reason any member shall have served less than a full year, he shall be paid in like manner one-twelfth of such annual salary for each month of service as such supervisor.

§ 3. It shall not be lawful for the said board of supervisors to audit or allow, for the county treasurer to pay any supervisor for his said services a sum greater than that allowed by this act.

§ 4. This act shall take effect immediately.

(No. 41.)

AN ACT authorizing the village of Scotia, in the county of Schenectady to borrow money for the payment of indebtedness incurred prior thereto.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. The board of Trustees of the village of Scotia is hereby authorized to borrow the sum of twenty thousand dollars or as much thereof as may be necessary for the payment of indebtedness incurred prior to the eighth day of February, nineteen hundred and nine, in the name and upon the credit of such village by the issue of bonds to be signed by the village president and the village treasurer and attested by the village clerk under the corporate seal.

§ 2. Such bonds shall be payable not more than thirty years from date of issue, shall bear interest at a rate not to exceed five per cent. per annum, and shall be sold at not less than par.

§ 3. The board of trustees of such village shall cause to be levied and collected on the taxable property of said village in each year, in the same manner as other village taxes are levied and collected, the amount necessary to pay the principal and interest due upon said bonds as same shall become due and payable as provided by general law.

§ 4. This act shall take effect immediately.

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(No. 42.)

AN ACT to amend the code of civil procedure, in relation to abolishing arrest or imprisonment in certain civil actions and special proceedings.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Sections five hundred and fifty, five hundred and fifty-one, five hundred and fifty-two, five hundred and fifty-three, fourteen hundred and eighty-seven, twenty-eight hundred and ninety-five, twenty-eight hundred and ninety-six and thirty hundred and twenty-six of the code of civil procedure are hereby amended to read as follows:

§ 550. Arrest or imprisonment in civil actions and special proceedings.— *No person shall hereafter be asserted or imprisoned in*



*a civil action or special proceeding in any court of this state, whether of record or not of record, except as follows:*

1. A defendant may [also] be arrested in an action wherein the judgment demanded requires the performance of an act, the neglect or refusal to perform which would be punishable by the court as a contempt, where the defendant is not a resident of the state, or, being a resident, is about to depart therefrom, by reason of which non-residence or departure there is danger that a judgment or an order requiring the performance of the act would rendered ineffectual.

2. *In case of a default of a fine or penalty, or sum in the nature of a fine or penalty, other than a penalty in respect of any contract:*

3. *Contempt of court.*

4. *Contempt of other judicial or legislative authority.*

5. *In proceedings supplementary to execution against property, as provided in title twelve of chapter seventeen of this act.*

6. *Upon execution in favor of wage-earners, as provided by section two hundred and seventy-four of the municipal court act of the city of New York.*

7. *Civil actions or special proceedings pending at the time of the passage of this act, in which the right of arrest or imprisonment existed at the time of the commencement of said action or special proceeding.*

§ 551. Order of arrest, when and where granted; when of right, and when discretionary.—In a case specified in *subdivision one* of the last section, the order of arrest can be granted only by the court, is always in its discretion, and may be granted or served, either before or after final judgment, unless an appeal from the judgment is pending, upon which security has been given, sufficient to stay the execution thereof. In [either of the] a case[s] specified in *subdivision two* of section [five hundred and forty-nine] *five hundred and fifty*, the order cannot be served after final judgment; but it may be granted, where a proper case thereof is presented, at any time before final judgment.

§ 552. Foreign judgment not to affect right to arrest.—The recovery of a judgment in a court, not of the state, for the same cause of action [; or, where the action is founded upon fraud or deceit for the price or value of property obtained thereby;] does not affect the right of the plaintiff to arrest the defendant, as prescribed in this title.

§ 553. When woman not to be arrested.—A woman cannot be

arrested, as prescribed in this title, except in a case where the order can be granted by the court [or where it appears that the action is to recover damages for a wilful injury to person, character, or property].

§ 1487. In what cases execution may be issued against the person.—When a judgment can be enforced by execution, as prescribed by twelve hundred and forty of this act, an execution, against the person of the judgment debtor, may be issued thereupon, subject to the [exception specified in the next section, in either of the following cases:

1. Where the plaintiff's right to arrest the defendant depends upon the nature of the action.

2. In any other case, where an order of arrest has been granted and executed in the action, and if it was executed against the judgment debtor, where it has not been vacated] *provisions of section five hundred and fifty of this act.*

§ 2894. Order of arrest; in what cases it may be granted.—At the time when the summons is issued, in an action specified in [the next] *subdivision two of section five hundred and fifty of this act*, the justice who issues the summons must, upon the application of the plaintiff, and upon compliance by him with the provisions of this article, grant an order for the arrest of the defendant, in either of the following cases:

1. Where the defendant to be arrested is not a resident of the county.

2. Where the plaintiff is not a resident of the county; or, if there are two or more plaintiffs, where all are non-residents thereof.

3. Where it appears to the satisfaction of the justice, by the affidavit of the plaintiff or another person, that the defendant is about to depart from the county, with intent not to return thereto.

But such order cannot be granted, where the defendant, against whom it is applied for, is a female.

§ 2896. Order of arrest; upon what papers.—Where it appears to the justice, by the affidavit of the plaintiff or another person, that a sufficient cause of action exists, against the defendant, and that the case is against the provision of [the last two sections] *section twenty-eight hundred and ninety-four*, he must grant the order of arrest. But before granting it, he must require a written undertaking to the defendant, on the part of the plaintiff, with one or more sureties, approved by the justice, to the effect

that, if the defendant recovers judgment, the plaintiff will pay all costs which may be awarded to the defendant, and all damages which he may sustain by reason of the arrest, not exceeding the sum specified in the undertaking, which must be at least one hundred dollars.

§ 3026. Execution upon judgment for money.—An execution issued upon a judgment for a sum of money, must specify, in the body thereof, the sum recovered, and the sum actually due upon the judgment at the date of the execution; and, except in a case where special provision is otherwise made by law, it must, substantially, require the constable to satisfy the judgment, together with his fees, out of the personal property of the judgment debtor within the county, not exempt from levy and sale by virtue of an execution; and to bring the money before the justice, by the return day of the execution, to be rendered, by the justice, to the party who recovers the judgment. If the judgment was recovered against a male person, in either of the actions specified in subdivision [first or] second of section [twenty-eight hundred and ninety-five] *five hundred and fifty* of this act [; or if an order of arrest was granted and was executed, in a case specified in subdivision third of that section], the execution must also command the constable, if sufficient personal property cannot be found to satisfy the judgment, to arrest the judgment debtor and to convey him to the jail of the county, there to remain until he pays the judgment, or is discharged according to law. If the judgment was recovered in an action to recover a penalty or forfeiture given by a statute of the state, the justice must endorse upon the execution a reference to the statute, as prescribed in section eighteen hundred and ninety-seven of this act, with respect to a copy of the summons.

§ 2. Section five hundred and forty-nine, twenty-eight hundred and ninety-five, and twenty-nine hundred and three of the code of civil procedure, together with all acts or parts of acts inconsistent with this act are hereby repealed.

§ 3. This act shall take effect September first, nineteen hundred and nine.



(No. 43.)

AN ACT to establish a department of industries and immigration and prescribing its powers and duties, constituting chapter sixty-five of the consolidated laws.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

CHAPTER 65 OF THE CONSOLIDATED LAWS — INDUSTRIES AND IMMIGRATION LAW.

- Section
1. Short title.
  2. Commissioner of industries and immigration.
  3. Removal from office.
  4. Deputy commissioners.
  5. Oath of office.
  6. Offices of the department; official seal; stationery.
  7. Jurisdiction of the department.
  8. Attendance of witnesses and proceedings before the commissioner.
  9. Power of inspectors.
  10. Licenses.
  11. Registration and reports of employment agencies.
  12. Report.
  13. When to take effect.

Section 1. Short title.— This chapter shall be known as the industries and immigration law.

§ 2. Commissioner of industries and immigration.— There shall be a department of industries and immigration, which shall possess the powers and duties hereinafter specified, and also all other powers necessary or proper to enable it to carry out the purposes of this act. The head of the department shall be the commissioner of industries and immigration, who shall be appointed by the governor, by and with the advice and consent of the senate, and who shall hold office for a term of three years beginning on the first day of January of the year in which he is appointed. He shall receive an annual salary at the rate of five thousand dollars, and shall have the power to employ during his pleasure such officers, clerks, inspectors, experts and employees as he may deem to be necessary to carry out the provisions of this act or to perform the duties and exercise the powers conferred by law upon the department, and shall fix the compensation to be paid to them respectively. The necessary expenses incurred by the commis-

sioner in the discharge of his duties shall be paid by the state treasurer upon the warrant of the state comptroller issued upon proper vouchers therefor. The reasonable and necessary traveling and other expenses of the deputy commissioners, and of the several officers, clerks, inspectors and experts or other employees of the department, while engaged in the performance of their respective official duties, shall be paid in like manner upon vouchers approved by the commissioner and audited by the state comptroller.

§ 3. Removal from office.—The governor by and with the advice and consent of the senate may remove the commissioner for inefficiency, neglect of duty, or misconduct in office, on charges and after an opportunity of being publicly heard, in person or by counsel, in his own defense, upon not less than ten days' notice. If the commissioner shall be removed, the governor shall file in the office of the secretary of state a complete statement of all charges made against such commissioner, and his findings thereon, together with a complete record of the proceedings.

§ 4. Deputy commissioners.—The commissioner of industries and immigration shall forthwith upon entering upon the duties of his office appoint, and may at pleasure remove, two deputy commissioners, who shall receive such annual salaries, not to exceed three thousand dollars each, as may be appropriated therefor.

§ 5. Oath of office.—The commissioner, the deputy commissioner, and each officer and inspector appointed by the commissioner, shall, before entering upon the duties of his office, take and subscribe the constitutional oath of office, and file the same in the office of the secretary of state.

§ 6. Offices of the department; official seal; stationery.—The principal office of the department of industries and immigration shall be in the city of Albany, and branch offices may be established in New York city, Buffalo and elsewhere in the state in the discretion of the commissioner. An official seal for said department shall be prepared and furnished by the secretary of state as provided by law. The office shall be supplied with all necessary books, maps, stationery, office furniture, telephone, and other appliances for which appropriation shall be made.

§ 7. Jurisdiction of the department.—The jurisdiction, supervision, powers and duties of the department of industries and immigration, and of the commissioner thereof, shall extend to the making of full inquiry, examination and investigation into the condition, welfare and industrial opportunities of aliens arriving and being within the state; to collect information with respect to

the need and demand for labor by the several agricultural, industrial and other productive activities, including public works, throughout the state, to gather information with respect to the supply of labor afforded by such aliens as shall from time to time arrive or be within the state; to ascertain the occupations for which such aliens shall be best adapted, and to bring about intercommunication between them and the several activities requiring labor which will best promote their respective needs; to investigate and determine the genuineness of any application for labor that may be received and the treatment accorded to those for whom employment shall be secured; to co-operate with the employment and immigration bureaus conducted under authority of the federal government or by the government of any other state, and with public and philanthropic agencies designed to aid in the distribution and employment of aliens; and to devise and carry out such other suitable methods as will tend to prevent or relieve congestion and obviate unemployment.

The said department and the commissioner thereof shall likewise procure from the federal authorities complete lists giving the names, ages and destination within the state of all alien children of school age, and such other facts as will tend to identify them, and shall forthwith deliver copies of such lists to the commissioner of education or the several boards of education and school boards in the respective localities within the state to which said children shall be destined, to aid in the enforcement of the provisions of the education law relative to the compulsory attendance at school of children of school age.

The said department and the commissioner thereof shall further co-operate with the commissioner of education and with the several boards of education and school commissioners of the state, to devise methods for the proper instruction of adult and minor aliens in the English language and in respect to the duties and rights of citizenship and the fundamental principles of the American system of government, and otherwise to further their education.

The said department and the commissioner thereof may inspect all labor camps within the state where aliens are employed and shall inspect all employment and contract labor agencies dealing principally with aliens, or who secure or negotiate contracts for their employment within the state; shall supervise and license all steamship ticket agents directly or indirectly dealing with aliens; co-operate with the banking department and with other public authorities, to enforce all laws applicable to private bankers deal-



ing with aliens; secure information with respect to such aliens who shall be in the prisons, almshouses and insane asylums of the state and who shall be deportable under the laws of the United States, and co-operate with the federal authorities and with such officials of the state having jurisdiction over such criminals, paupers and insane aliens who shall be confined as aforesaid, so as to facilitate the deportation of such persons as shall come within the provisions of the aforesaid laws of the United States, relating to deportation; investigate and inspect homes established for the temporary shelter and care of aliens, and the methods by which they are conducted, and such philanthropic societies as shall be organized for the purpose of securing employment for or aiding in the distribution of aliens.

The said department and the commissioner thereof shall investigate conditions prevailing at the various places where aliens are landed within this state, and at the several docks, ferries, railway stations and on trains and boats therein, and in co-operation with the proper authorities, afford them protection against frauds, crimes and exploitation; shall investigate any and all complaints with respect to frauds, extortion, incompetency and improper practices against aliens by notaries public, interpreters and other public officials, and present to the proper authorities the results of such investigation for action thereon; shall investigate and study the general social conditions of aliens within this state, and their relation to the administration of the civil and criminal law therein, for the purpose of inducing remedial action by the various agencies of the state possessing the requisite jurisdiction; and shall generally, in conjunction with existing public and private agencies, consider and devise means to promote the welfare of the state.

§ 8. Attendance of witnesses and proceedings before the commissioner.— Any investigation, inquiry or hearing which the commissioner has power to undertake or to hold, may be undertaken or held by or before any or either of the deputy commissioners, and any decision rendered on such investigation, inquiry or hearing, when approved and confirmed by the commissioner and ordered filed in his office, shall be and be deemed to be the order of the commissioner. The commissioner and the deputy commissioners shall have the power to issue subpoenas for the attendance of witnesses at a time and place to be therein designated, which may be served by any person of full age. If a person subpoenaed to attend at any hearing shall fail to obey the command of a subpoena served upon him, without reasonable cause, or if a person in at-

tendance before the commissioner or a deputy commissioner shall, without reasonable cause, refuse to be sworn or to be examined, or to answer a question, or to produce a book or papers, when ordered so to do by the commissioner or a deputy commissioner, or to subscribe and swear to his deposition after it has been correctly reduced to writing, he shall be guilty of a misdemeanor and may be prosecuted therefor in any court of competent criminal jurisdiction, and the commissioner may, in such case, apply to any justice of the supreme court, upon proof by affidavit of the facts, for an order, returnable in not less than two nor more than five days, directing such person to show cause before the justice who made the order, or any other justice of the supreme court, why he should not be committed for contempt; and if the justice shall, upon the return of such order, determine that such person has refused, without reasonable cause or legal excuse, to be examined or to answer a legal pertinent question, or to produce a book or paper which he was ordered to bring, he may forthwith, by warrant, commit the offender to jail, there to remain until he submits to do the act which he was so required to do, or is discharged according to law. All hearings before the commissioner or a deputy commissioner shall be governed by rules to be adopted and prescribed by the commissioner; and in all investigations, inquiries or hearings the commissioner or a deputy commissioner shall not be bound by technical rules of evidence. No person shall be excused from testifying or from producing any books or papers on any investigation or inquiry by or upon any hearing before the commissioner or a deputy commissioner, when ordered to do so, upon the ground that the testimony or evidence, books or documents required of him may tend to incriminate him or subject him to a penalty or forfeiture, but no person shall be prosecuted, punished or subjected to any penalty or forfeiture for or on account of any act, transaction, matter or thing concerning which he shall under oath have testified or produced documentary evidence; provided, however, that no person so testifying shall be exempt from prosecution or punishment for any perjury committed by him in his testimony.

§ 9. Power of inspectors.—The inspectors appointed by the commissioner shall have the power to visit and inspect all labor camps where aliens are employed within the state, during reasonable hours, as often as practicable; to visit and inspect all employment and contract labor agencies, and to examine all books and registers kept by said agencies; to visit all prisons, almshouses,

insane asylums, immigrant homes and steamship ticket agents' offices, within the state, and to examine the records thereof; and to collect information with regard to all matters coming within the jurisdiction and powers of the department. Any person who shall interfere with, obstruct or hinder any inspector, by force or otherwise, while in the performance of his duties, shall be guilty of a misdemeanor.

§ 10. Licenses.—No person, firm or corporation shall engage in the business of selling prepaid steamship tickets or orders within the state without first procuring a license therefor from the commissioner upon the payment of a fee of fifty dollars. Every license shall contain the name of the licensee, the designation of the city, street and number of the place in which such licensee is authorized to carry on his business, and the number and date of such license. Said license shall not be transferable. The application for such license shall be filed not less than ten days prior to the granting thereof, and shall be accompanied by the affidavits of two persons who have known the applicant, or the chief officers thereof if a corporation, for five years, showing that the said applicant is a person of good moral character. The license shall run to the first Tuesday of May next ensuing the date thereof, and no longer, unless sooner revoked. Any person who shall engage in the business of selling prepaid steamship tickets or orders, without first procuring such license, shall be punishable by a fine of not exceeding two hundred and fifty dollars, or, on failure to pay such fine, by imprisonment for not exceeding thirty days. The licensee shall comply with all reasonable rules and regulations prescribed by the commissioner, and upon failure to comply therewith the commissioner shall have the power to revoke said license, after notice and a hearing accorded to the licensee. All moneys received for licenses hereunder shall be paid to the state treasurer.

§ 11. Registration and reports of employment agencies.—The term "employment agency" as used in this act, shall include any person, firm, corporation or association regularly engaging in the business of negotiating labor contracts or of receiving applications for help or labor, or for places or positions, excepting such as shall conduct agencies exclusively for procuring employment for teachers, for incumbents of technical, clerical or executive positions, for vaudeville or theatrical performers, musicians or nurses, and also excepting bureaus conducted by registered medical institutions. All employment agencies other than those herein excepted shall within thirty days after this act shall go into effect, and annually



thereafter, file with the commissioner of industries and immigration a statement containing the name of the person, firm, corporation or association conducting such agency, the street and number of the place where the same shall be conducted and showing whether said agency is licensed or unlicensed, and if licensed, specifying the date and duration of the license, by whom granted and the number thereof. Such statements shall be registered by the commissioner. Every such employment agency shall keep in the office thereof a full record of the country of the birth of those for whom places or positions are secured, their length of residence in this country, and the name and address of the person, firm or corporation to whom the persons for whom such places or positions are secured shall be sent, the occupation for which employment shall be secured, and the compensation to be paid to the person employed. A transcript of such record shall be delivered to the commissioner within three days from the time when employment shall be secured by the agency for any applicant. The books and records of every such agency shall at all reasonable hours be subject to examination and inspection by the commissioner or by one of his subordinates, designated by him for that purpose. Any person who shall fail to register with the commissioner or to keep books or records or to render reports as herein provided, shall be guilty of a misdemeanor and shall be punishable for the first offense by a fine of not more than twenty-five dollars and for every subsequent offense by a fine of not more than one hundred dollars, or by imprisonment for not more than thirty days, or by both such fine and imprisonment.

§ 12. Report.—The commissioner shall make an annual report to the legislature on or before the second Monday of January in each year, which report shall contain a succinct account of all proceedings of the department during the preceding year, and such information and recommendations as the commissioner shall deem of value to the legislature.

§ 13. When to take effect.—This act shall take effect on July first, nineteen hundred and nine.

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(No. 44.)

AN ACT to legalize, validate and confirm all acts and proceedings of the board of trustees of the village of Waterloo, Seneca county, relating to the establishment of a sewer system and disposal plant in said village, and to submission to the voters of

said village of a proposition for the constructions of said sewer system and disposal plant, and for an appropriation of one hundred thousand dollars or such part thereof as might be required for the construction thereof, and to the purchase of lands for said sewer system and disposal plant, and to the making of contracts for the construction of same, and to the issue and sale of bonds to the amount of ninety thousand dollars for the payment of the expenses thereof, and to legalize and validate the adoption of a proposition, submitted at a special election held in said village on the twenty-seventh day of May, nineteen hundred and eight, to authorize the construction of said complete sewer system and disposal plant and the issuing of bonds not exceeding one hundred thousand dollars for such purposes, and to legalize and validate the sale heretofore made by said village of said bonds, and to provide for the delivery of the same or a resale thereof, and to legalize and validate the said bonds, and to authorize the said village of Waterloo to raise annually by tax the sums necessary to pay said bonds and the interest thereon.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. The acts, resolutions and proceedings of the board of trustees of the village of Waterloo, in the county of Seneca, in relation to the establishment of a sewer system in said village, and in the preparation of a map and plans for said system of sewers and disposal plant, and in providing for the submission to the voters of said village of a proposition for the construction of said entire sewer system and disposal plant according to said map and plans, and for an appropriation of one hundred thousand dollars, or such part thereof as might be required for the construction thereof, and for such sum to be borrowed upon the bonds of said village to be paid in thirty equal annual installments with interest annually, and in the calling and holding of said special election, and in the advertising of proposals and the awarding and making of contracts for the construction of said sewer system and for the construction of said disposal plant, and in the purchase of lands for said sewer system and disposal plant, and in providing for the issue and sale of the bonds of said village to the amount of ninety thousand dollars for the payment of the expenses of the same, and all other acts, resolutions and proceedings had by said board of trustees in any way relating to the establishment and construction

of said sewer system and disposal plant and the issuing of bonds to pay for the same, are hereby, in all things, legalized, ratified and confirmed, and made of the same force and effect as if specially authorized by law and as if all the provisions of the law applicable thereto had been strictly complied with. And all contracts heretofore made by or under the direction of the said board of trustees for the constructions of said sewer system and disposal plant, or in any way relating thereto, are hereby declared to be valid and legal contracts of said village.

§ 2. The proposition voted for and adopted at the special tax meeting of the qualified electors of said village at said special election held in and for said village on the twenty-seventh day of May, nineteen hundred and eight, to authorize the board of trustees of said village of Waterloo to construct said complete sewer system, and to borrow on the credit of the village of Waterloo a sum not exceeding one hundred thousand dollars, and to issue the bonds of the village therefor, payable in thirty equal annual installments with interest annually at the rate of not more than five per centum per annum, for the purpose of defraying the expenses of constructing said complete system of sewers and disposal plant, according to the map and plans theretofore prepared, including as well all proceedings had in relation thereto prior to and including said special tax election, is hereby in all things legalized, ratified and confirmed, notwithstanding any provisions to the contrary contained in the charter of said village or in any other law applicable thereto, and notwithstanding the omission of any lawful requirement from said resolution submitted to and adopted by the taxpayers of said village.

§ 3. The sale and award of said bonds heretofore made by the said board of trustees shall be and is hereby made a valid and legal sale of the same, provided the successful bidders therefor will take them and pay for them according to the terms of their bid, as made at the time of said sale; in which case the president and treasurer of said village of Waterloo are hereby authorized to execute said bonds under the corporate seal of said village and attested by the village clerk, and to deliver the same to the said purchasers upon the payment of the purchase price thereof, and the same shall be in all respects a valid sale and issue of said bonds, as if made according to all requirements of the statutes relating thereto; but if the bidders for said bonds shall refuse to take upon them their bid, and the sale and award of them as



hereby authorized, then and in that event the said board of trustees may readvertise said bonds in the manner provided by the village law, and again offer them for sale, and sell and issue the same in the manner provided by said village law, and when so sold and issued, in either of the cases provided in this section, the said bonds are hereby declared to be legal and valid obligations of said village of Waterloo.

§ 4. The board of trustees of said village of Waterloo shall, in the manner provided by law, cause such taxes to be levied and collected annually as may be necessary to pay the principal and interest of said bonds as the same become due, until all of said bonds and the interest thereon are fully paid.

§ 5. This act shall take effect immediately.

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(No. 45.)

AN ACT to amend the insanity law, in relation to compensation of certain officers and employees.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Section fifty of chapter thirty-two of the laws of nineteen hundred and nine, entitled "An act in relation to the insane, constituting chapter twenty-seven of the consolidated laws," is hereby amended to read as follows:

§ 50. Salaries of certain officers and wages of certain employees prescribed.— The officers or employees of the state hospitals now or hereafter classified as occupying offices or positions specified in the schedule at the end of this section shall hereafter receive the salaries or wages per month indicated opposite the name or title of such office or position, except that where a minimum and maximum rate per month is prescribed, advancement from the minimum and maximum rate shall be in accordance with the length of service, as prescribed in such schedule. If a minimum and maximum rate per month is not prescribed in such schedule, the salary or wages per month of such officer or employee shall be the amount indicated opposite the name or title of such office or position. Where an increase of salary or wages is allowed at a certain rate per month or otherwise for continuous service, continuous service performed prior to May eleventh, nineteen hundred and four, in

the same position or employment, shall be deemed a part of the continuous service in determining the salary or wages to which such officer or employee shall be entitled under this section.

## SCHEDULE OF SALARIES AND WAGES.

### 1. ADMINISTRATION DEPARTMENT.

Position.	WAGES PER MONTH.			
	Minimum.		Maximum.	
Apothecary . . . . .				\$82 50
Man stenographer....	[62 50]	\$68 75	[75 00]	82 50
Women stenographers.	[50 00]	55 00	[62 50]	68 75
Watchmen . . . . .			[43 75]	50 30
Policemen . . . . .				43 75
Barbers . . . . .	[37 50]	43 12	[50 00]	57 50
Coachman . . . . .	[50 00]	55 00	[56 25]	61 87
Drivers . . . . .			[31 25]	35 93
Pages and messenger boys . . . . .	[17 50]	21 00	[22 50]	27 00

Increase of wages from minimum to maximum shall be made at the rate of two dollars per month for each [year] *six months* of continuous service.

### 2. FINANCIAL DEPARTMENT.

Position.	WAGES PER MONTH.			
	Minimum.		Maximum.	
Bookkeeper . . . . .	[87 50]	\$91 87	[100 00]	\$105 00
Accountant . . . . .	[75 00]	78 75	[87 50]	91 87
Voucher and treasurer's clerk . . . . .	[50 00]	55 00	[62 50]	68 75
Storekeeper . . . . .	[50 00]	55 00	[62 50]	68 75
Man stenographer . . .	[62 50]	68 75	[75 00]	78 75
Woman stenographer..	[50 00]	55 00	[62 50]	68 75

Increase of wages from minimum to maximum shall be at the rate of two dollars per month for each [year] *six months* of continuous service. [Where a telegraph office is maintained in an institution an extra compensation of ten dollars per month shall be allowed to the person performing the service of operator.]

## 3. SUPERVISORS.

Position.	WAGES PER MONTH.			
		Minimum.		Maximum.
Chief supervisors, men.	<b>[50 00]</b>	\$55 00	<b>[62 50]</b>	\$68 75
Chief supervisors, women . . . . .	<b>[43 75]</b>	50 31	<b>[56 25]</b>	61 87
Supervisors, men . . .	<b>[43 75]</b>	50 31	<b>[56 25]</b>	61 87
Supervisors, women . .	<b>[37 50]</b>	43 12	<b>[50 00]</b>	55 00

Increase of wages from minimum to maximum shall be at the rate of **[one dollar]** *two dollars* per month for each six months of continuous service.

## 4. NURSES AND ATTENDANTS.

Position.	WAGES PER MONTH.			
		Minimum.		Maximum.
Charge nurses, men...	<b>[35 00]</b>	\$40 25	<b>[41 25]</b>	\$47 43
Charge nurses, women.	<b>[28 75]</b>	34 50	<b>[35 00]</b>	40 25
Nurses, men . . . . .	<b>[31 25]</b>	35 93	<b>[37 50]</b>	43 12
Nurses, women . . . . .	<b>[25 00]</b>	30 00	<b>[31 25]</b>	35 93
Charge attendants, men	<b>[31 25]</b>	35 93	<b>[37 50]</b>	43 12
Charge attendants, women . . . . .	<b>[25 00]</b>	30 00	<b>[31 25]</b>	35 93
Attendants, men . . . . .	<b>[22 00]</b>	26 40	<b>[30 00]</b>	34 50
Attendants, women . . .	<b>[16 00]</b>	19 20	<b>[22 50]</b>	25 00
Special attendants, men . . . . .	<b>[37 50]</b>	43 12	<b>[43 75]</b>	50 30
Special attendants, women . . . . .	<b>[31 25]</b>	35 93	<b>[37 50]</b>	43 12
Dining room attend- ants, women . . . . .	<b>[17 50]</b>	21 00	<b>[22 50]</b>	25 00
Ward helpers, women.	.....	.....	<b>[15 00]</b>	18 00

Increase of wages from minimum to maximum shall be at the rate of **[one dollar]** *two dollars* per month for each six months of continuous service. An attendant or nurse performing night service for a period of one month succeeding the first day of the month shall be entitled to **[one dollar]** *two dollars* per month in addition to regular wages. **[All attendants and all special attendants, whether in immediate charge of patients or otherwise, shall receive at least the wages designated in the above schedule.]**



## 5. DOMESTIC SERVICE.

Position.	WAGES PER MONTH.			
	Minimum.		Maximum.	
Housekeepers . . . . .	<b>[31 25]</b>	\$35 93	<b>[37 50]</b>	\$43 12
Waitresses and chambermaids . . . . .	<b>[16 25]</b>	19 50	<b>[21 25]</b>	22 50

Increase of wages from minimum to maximum shall be at the rate of **[one dollar]** *two dollars* per month for each **[year]** *six months* of continuous service.

## 6. KITCHEN SERVICE.

Position.	WAGES PER MONTH.			
	Minimum.		Maximum.	
Chefs, men . . . . .			<b>[50 00]</b>	\$55 00
Head cooks, men . . . . .			<b>[50 00]</b>	55 00
Head cooks, women . . . . .			<b>[50 00]</b>	55 00
Cooks, men . . . . .			<b>[31 25]</b>	35 93
Cooks, women . . . . .			<b>[31 25]</b>	35 93
Assistant cooks, women . . . . .			<b>[25 00]</b>	27 50
Kitchen helpers, men . . . . .	<b>[25 00]</b>	\$27 50	<b>[30 00]</b>	34 50
Kitchen helpers, women . . . . .	<b>[17 50]</b>	21 00	<b>[22 50]</b>	27 00

The wages of kitchen helpers shall be increased from minimum to maximum at the rate of **[one dollar]** *two dollars* per month for each six months of continuous service.

## 7. BAKERY SERVICE.

Position.	WAGES PER MONTH.			
	Minimum.		Maximum.	
Baker . . . . .			<b>[62 50]</b>	\$68 75
Assistant baker . . . . .			<b>[43 75]</b>	50 31
Baker's helpers . . . . .		\$25 00	<b>[31 25]</b>	35 93

**[Increase of wages of baker's helpers from minimum to maximum shall be at the rate of one dollar per month for each year of continuous service.]**

## 8. MEAT CUTTERS.

Position.	WAGES PER MONTH.	
	Minimum.	Maximum.
Meat cutters .....	[50 00]	\$55 00

In institutions having a population of over two thousand patients, the meat cutter shall receive [sixty-two dollars and fifty cents] *sixty-eight dollars and seventy-five cents per month.*

## 9. LAUNDRY SERVICE.

Position.	WAGES PER MONTH.	
	Minimum.	Maximum.
Laundry overseer .....	[62 50]	\$68 75
<i>Laundry overseer's as-</i> <i>sistant</i> .....	\$43 12	50 30
Launderers .....	[31 25]	35 93
Head laundress .....	[31 25]	35 93
Laundresses .....	[18 75]	22 50

*Increase of wages of laundry overseer's assistant from minimum to maximum shall be at the rate of two dollars per month for each six months of continuous service.*

## 10. ENGINEER'S DEPARTMENT.

Position.	WAGES PER MONTH.	
	Minimum.	Maximum.
Chief <i>steam</i> engineer...	[\$125 00]	\$131 25
Engineer's assistants, first grade.....	[75 00]	78 50
Engineer's assistants, sec- ond grade .....	[62 50]	68 75
Engineer's assistants, third grade .....	[50 00]	55 00
Electrical engineer ....	[93 75]	98 44
Electrical engineer's as- sistants, first grade...	[75 00]	82 50
Electrical engineer's as- sistants, second grade. ....	[62 50]	68 75

Position.	WAGES PER MONTH.	
	Minimum.	Maximum.
Electrical engineer's assistants, third grade.. .. .	[50 00]	\$55 00
Line men .....	[43 75]	50 30
Plumbers and steam fitters .....	[75 00]	78 50
Plumbers and steam fitters' helpers.. ....	[\$26 25] \$31 50 [37 50]	43 12
Firemen, eight-hour shifts .....	[37 50]	50 00
[Firemen, twelve-hour shifts .....		50 00]

Plumbers and steam fitters' helpers shall receive an increase from minimum to maximum at the rate of [three] *two* dollars per month for each [year] *six months* of continuous service.

## 11. BUILDING DEPARTMENT.

Position.	WAGES PER MONTH.	
	Minimum.	Maximum.
Master mechanic .....	[\$125 00]	\$131 25
Head carpenter .....	[75 00]	78 50
Carpenters .....	[62 50]	68 75
Painters .....	[62 50]	68 75
Blacksmith .....	[62 50]	68 75
Tinsmiths.....		68 75
Masons.....		82 50

*Other mechanics not classified in this department may be employed, when necessary, by the day at a rate of wages to be determined, subject to the approval of the commission. Where deemed advisable special attendants may be assigned to skilled labor in the building department.*

## 12. INDUSTRIAL DEPARTMENT.

Position.	WAGES PER MONTH.	
	Minimum.	Maximum.
Shop foreman .....	[\$56 25]	\$64 68
Tailor .....	[\$50 00] \$55 00 [56 25]	64 68
Shoemaker .....	[50 00] 55 00 [56 25]	64 68



Increase of wages of tailor and shoemaker from minimum to maximum shall be at the rate of [one dollar] *two dollars* per month for each [year] *six months* of continuous service. *The following occupations may be provided for by detailing attendants, or special attendants, for the particular service to be performed; bath master, bath mistress, broommaker, brushmaker, clothing clerk, dressmakers, glaziers, mattress-maker, photographer, tailors, and upholsterer.*

### [13. PRINTING AND BOOKBINDING DEPARTMENT.]

[Position.]

[Wages per month.]

[Foreman . . . . .]	\$75 00]
[Printer . . . . .]	62 50]
[Bookbinder . . . . .]	62 50]

[An employee who in addition to his other duties performs the duty of proof reader in the printing and bookbinding department, shall receive an additional compensation of twenty-five dollars per month. The bookkeeper who keeps the accounts of the printing and bookbinding department shall receive an additional compensation of twenty dollars per month.]

### 13. FARM AND GROUNDS DEPARTMENT.

#### WAGES PER MONTH.

Position.	Minimum.	Maximum.
Head farmer . . . . .	\$64 68	\$68 75
Dairyman . . . . .	50 30	55 00
Farmers . . . . .	35 93	43 12
Herdsmen . . . . .	35 93	43 12
Gardeners . . . . .	50 30	55 00
Florists . . . . .	55 00	64 68
Drivers . . . . .	.....	35 93
Laborers . . . . .	.....	30 00

*Increase of wages from minimum to maximum shall be at the rate of two dollars per month for each six months of continuous service.*

## [14. FARM AND GROUNDS DEPARTMENT.]

[Position.]	[Wages per month.]	
	[Minimum.]	[Maximum.]
[Head farmer . . . . .]	\$56 25	\$62 50]
[Dairyman . . . . .]	43 75	50 00]
[Farmers . . . . .]	31 25	37 50]
[Herdsman . . . . .]	31 25	37 50]
[Gardeners . . . . .]	43 75	50 00]
[Florists . . . . .]	50 00	56 25]
[Drivers . . . . .]	.....	31 25]
[Laborers . . . . .]	.....	25 00]

[Increase of wages from minimum to maximum shall be at the rate of one dollar per month for each year of continuous service.]

## 14. RAILWAY DEPARTMENT.

Position.	WAGES PER MONTH.	
	Minimum.	Maximum.
<i>Engineer</i> . . . . .	.....	\$51 75
<i>Fireman</i> . . . . .	.....	21 60
<i>Fireman</i> . . . . .	.....	16 20
<i>Conductor</i> . . . . .	.....	21 60
<i>Conductor</i> . . . . .	.....	16 20
<i>Trackman</i> . . . . .	\$43 12	50 30

The above shall apply only to the Willard State Hospital, where a steam railway is operated as a branch of an established railway system. This rate of wages, except for trackman, is fixed at one-half of the amount received by these employees, the other half being paid by the railway company operating the road, pursuant to contract. The increase for the trackman shall be at the rate of two dollars per month for each six months of continuous service.

## 15. STEAMBOAT SERVICE.

Position.	WAGES PER MONTH.	
	Minimum.	Maximum.
<i>Captain</i> . . . . .	\$125 00	\$131 25
<i>Chief engineer</i> . . . . .	125 00	131 25
<i>Assistant engineer</i> . . . . .	75 00	78 75
<i>Firemen</i> . . . . .	50 00	55 00

Position.	WAGES PER MONTH.	
	Minimum.	Maximum.
<i>Deckhands</i> .....	\$30 00	\$34 00
<i>Pilot</i> .....	93 75	98 44
<i>Night pilot</i> .....	70 00	77 00
<i>Engineer</i> .....	87 50	91 87
<i>Night engineer</i> .....	70 00	77 00

*This section applies only to Manhattan State Hospital, where steamboats are maintained for the use of the hospital.*

§ 2. This act shall take effect immediately.

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(No. 46.)

AN ACT to provide for granting pensions to soldiers, sailors and marines, who served in the army or navy of the United States, from the state of new York, in the civil war, making provision for issuing bonds to the extent of two million dollars for the payment of such pensions, and providing for the submission of this act to a vote of the people at the general election to be held in nineteen hundred and nine.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. The comptroller shall establish and maintain as a part of his office a bureau of pensions.

§ 2. There shall be in the bureau of pensions a commissioner of pensions, who shall be appointed by the governor, by and with the advice and consent of the senate, for the term of four years, or until his successor is appointed, who shall be entitled to receive a salary of four thousand dollars a year, and shall give a bond for the faithful performance of his duty, in the sum of twenty thousand dollars, the same to be approved by the comptroller and filed in the office of the state treasurer.

§ 3. The commissioner of pensions shall perform, under the direction of the comptroller, such duties in the execution of this act, as may be prescribed by the comptroller.

§ 4. There shall be in the bureau of pensions a deputy commissioner of pensions, who shall be appointed by the governor, by and with the advice and consent of the senate, who shall hold said office for four years or until his successor is appointed, who shall be charged with such duties in the pension bureau as may be pre-



scribed by the comptroller, or may be required by law, and in case of death, resignation, absence or sickness of the commissioner, his duties shall devolve upon the deputy commissioner, until a successor is appointed or such absence or sickness ceases. The deputy commissioner shall be entitled to receive an annual salary of two thousand dollars, and he shall give a bond for the faithful performance of his duty, in the sum of ten thousand dollars, the same to be approved by the comptroller, and filed in the office of the state treasurer.

§ 5. Any person who enlisted or was enrolled in this state, and who served ninety days or more, unless sooner discharged for disabilities incurred in the service, as a volunteer soldier in any regiment, battalion, battery, troop, or other military body, organized under and by authority of this state for service in the civil war, and who has been honorably discharged therefrom, and any person whose enlistment or enrollment was credited upon the quota of this state in the military, naval, or marine service of the United States during the civil war, and who served as aforesaid, and who has been honorably discharged therefrom, shall, upon making proof of such facts, according to such rules and regulations as the comptroller may provide, be placed upon the pension roll and be entitled to receive a pension as follows: Where such person has reached the age of sixty-two years or over, six dollars a month; and such pension shall commence from the date of the filing of the application in the bureau of pensions, after the passage of this act; provided that all persons who are being maintained in any home for disabled volunteer soldiers, or their wives, supported in whole or in part by the United States of America, or any state thereof, shall not be entitled to the benefits of this act, and should any person entitled to receive a pension under the provisions of the act be an inmate of any of the said soldiers' homes or of any eleemosynary institution supported in whole or in part by the public, and the wife of such person shall not be an inmate of any of said soldiers' homes or any institution aforesaid, or should any person to whom a pension be granted under the provisions of this act thereafter be admitted to one of the said soldiers' homes, or become an inmate of any institution aforesaid, and the wife of such person shall not be an inmate of any of the said soldiers' homes or any institution aforesaid, then in either of said cases, the pension allowed under this act shall be paid to the wife of such person, provided that he was married to such wife on or

before January first, eighteen hundred and ninety; but if such wife is being maintained in any of the homes or institutions hereinbefore named, then such pension shall cease, subject to the right of restoration to the same on a new application by the pensioner, accompanied by evidence satisfactorily showing that he is entitled to the same, under the provisions of this act. Provided, further, that any person who actually abandons his wife without adequate support, or leaves her in danger of becoming a burden upon the public, or who neglects to provide for her according to his means, upon due proof of such fact made to the comptroller, the pension allowed such person shall thereafter be paid to the wife of such person, if she was married to the pensioner, as aforesaid, and is not being maintained in any home or institution above described. Provided, further, that no person shall be entitled to a pension under this act, who was not at the time of his enlistment an actual resident and inhabitant of this state, and who had not been such resident and inhabitant, for at least three consecutive years next before making application for said pension, and has not been such resident at least one year before such pension paying period. No pension allowed under this act shall continue in force beyond the life of the person upon whose military, naval, or marine service, such pension was allowed.

§ 6. Rank in the service shall not be considered in applications filed under the provisions of this act.

§ 7. No pension attorney, claim agent, or other person shall be entitled to receive any compensation for services rendered in presenting any claim to the bureau of pensions, or securing any pension under this act.

§ 8. The failure of any pensioner to claim his pension for two years after the same shall have become due, shall be deemed presumptive evidence that such pension has legally terminated by reason of the pensioner's death, and the pensioner's name shall be stricken from the list of pensioners, subject to the right of restoration to the same on a new application by the pensioner, accompanied by evidence satisfactorily accounting for the failure to claim such pension.

§ 9. The commissioner of pensions is authorized to appoint the necessary clerks for maintaining the pension bureau hereby created, and carrying out the provisions of this act, and to detail from time to time clerks in his office to investigate suspected attempts at fraud on the state, in violation of this act, and to aid

in prosecuting any person so offending, with such additional compensation as may be audited and allowed by the comptroller; and any person so detailed shall have the power to administer oaths, and take affidavits in the course of such investigation.

§ 10. The commissioner of pensions shall prepare a quarterly voucher for every person whose pension is payable under the provisions of this act, at least fifteen days immediately preceding the fourth day of January, April, July, and October, in each year, and transmit the same by mail, directed to the address of the pensioner named in such voucher, who, on and after the fourth day of January, April, July, and October, next succeeding the date of such voucher, may execute and return the same to the pension bureau at which it was prepared, and at which the pension of such person shall be due and payable.

§ 11. Upon the receipt of such voucher properly executed, and the identity of the pensioner being established, and approved in the manner prescribed by the comptroller, the commissioner of pensions shall immediately draw his check upon the treasurer of the state of New York, for the amount due such pensioner, payable to his order, and transmit the same by mail, directed to the address of the pensioner entitled thereto; but any pensioner may be required, if thought proper by the commissioner of pensions, to appear personally and receive his pension.

§ 12. All applications for pension under this act shall be prepared upon blanks furnished for that purpose by the pension bureau, and no application for pension shall be received or filed in the bureau of pensions before July first, nineteen hundred and ten, and the first payment of pensions under this act shall be made as soon after April fourth, nineteen hundred and ten, as the vouchers can be prepared, distributed and executed.

§ 13. No pension shall be paid to any person other than the pensioner entitled thereto, nor otherwise than according to the provisions of this act, and no warrant, power of attorney, or other paper, executed or purporting to be executed by any pensioner, to any attorney, claim agent, broker, or other person, shall be recognized by the commissioner of pensions for the payment of pensions, nor shall any person be paid thereon; but payment to persons laboring under legal disabilities may be made to the committee or guardians of such persons, in a manner to be prescribed by the comptroller. All transfers or assignments of pensions or the certificates thereof, or the money due or to become due thereon, issued under and pursuant to this act, whether the same be for a



pledge or otherwise, shall be void, and any person who withholds or keeps such certificate of pension, and refuses to surrender and deliver the same to the owner thereof, upon demand, shall be guilty of a misdemeanor.

§ 14. In place of original checks issued for pensions, when lost, stolen or destroyed, the commissioner is authorized, after the expiration of six months from the date of such checks, to issue duplicate checks, and the treasurer of the state of New York is directed to pay such checks drawn in pursuance of law by the commissioner of pensions, upon notice and proof of the loss of the original checks, under such regulations in regard to their issue and payment, and upon the execution of such bonds with sureties to indemnify the state of New York, as the state treasurer may prescribe.

§ 15. There shall be issued in the manner herein provided, bonds of the state in amount not exceeding the sum of two million dollars. Such bonds shall be sold by the state and the proceeds thereof paid into the state treasury, and so much thereof as shall be necessary shall be expended for the payment of pensions granted under the provisions of this act.

§ 16. The comptroller is hereby directed to cause to be prepared the bonds of this state, to an amount not to exceed two million dollars, the said bonds to bear interest at the rate of not to exceed four per centum per annum, which interest shall be payable semi-annually in the city of New York. Said bonds shall be issued to run for a period of five years, and shall not be sold for less than par. The comptroller is hereby charged with the duty of selling said bonds to the highest bidder, after advertising for a period of twenty consecutive days, exclusive of Sundays and holidays, in at least two daily papers, one printed in the city of New York, and one in the city of Albany. Said advertisements shall contain a provision to the effect that the comptroller may reject any or all bids made in pursuance of said advertisements, and in the event of such rejection, the comptroller is authorized to readvertise for bids in the manner above described as many times as in his judgment may be necessary to effect a satisfactory sale. There is hereby imposed for each year after this act goes into effect until all the bonds issued under authority of this act shall be due an annual tax to pay, and sufficient to pay, the interest on such bonds as it falls due, and also to pay and discharge the principal of such bonds within five years, from the date of issue thereof. The rate of such tax shall be fixed each year by the legis-

lature, and such tax shall be assessed, levied and collected by the annual assessment and collection of taxes in each of said years in the manner provided by law, and shall be paid by the several county treasurers into the treasury of the state. The proceeds of such tax shall be invested by the comptroller. Such proceeds, together with the interest arising therefrom, the premiums received on the sale of said bonds and interest accruing on deposits of money received from the sale of such bonds, shall constitute a sinking fund to be used solely for the payment of the principal and interest of such bonds.

§ 17. Whenever the moneys raised by the sale of bonds issued as provided in this act are exhausted there shall be raised annually by direct tax, on the real and personal property of the state liable to taxation, an amount sufficient to pay the pensions provided by this act, and the expenses of maintaining the pension bureau hereby created and of carrying out the provisions of this act. Such direct tax shall be assessed, levied and collected in the manner provided by law for the assessment, levy and collection of other taxes, and when collected shall be paid into the state treasury to be appropriated for the payment of such pensions and expenses as above provided.

§ 18. This law shall be submitted to the people of this state at the general election to be held in November, nineteen hundred and nine, and the same shall not take effect until it shall have been so submitted, and shall have received a majority of all the votes cast for and against it at such election. The ballots to be furnished for the use of the voters upon the submission of this law, shall be in the form prescribed by the election law, and the proposition or question to be submitted shall be printed thereon in substantially the following form, namely:

“ Shall chapter (here insert the number of this chapter) of the laws of nineteen hundred and nine, entitled ‘An act to provide for granting pensions to soldiers, sailors and marines, who served in the army or navy of the United States, from the state of New York, in the civil war, making provisions for issuing bonds to the extent of two million dollars for the payment of such pensions, and providing for the submission of this act to a vote of the people at the general election to be held in nineteen hundred and nine,’ be approved? ”

§ 19. This act shall take effect immediately.

(No. 47.)

AN ACT to amend the insurance law, relative to proceedings against and liquidation of delinquent insurance corporations.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Article one of chapter thirty-three of the laws of nineteen hundred and nine, entitled "An act in relation to insurance corporations, constituting chapter twenty-eight of the consolidated laws," is hereby amended by adding thereto a new section, to be section sixty-three thereof, and to read as follows:

§ 63. *Proceedings against and liquidation of delinquent insurance corporations.*—This section shall apply to all domestic corporations, associations, societies and orders to which any article of this chapter is applicable, anything as to any such corporations, associations, societies or orders provided in this article to the contrary notwithstanding; and the words "corporation" or "corporations" herein shall also include all such associations, societies and orders.

1. Whenever any such corporation (a) is insolvent; or (b) has refused to submit its books, papers, accounts or affairs to the reasonable inspection of the superintendent, or his deputy or examiner; or (c) has neglected or refused to observe an order of the superintendent to make good within the time prescribed by law any deficiency, whenever its capital, if it be a stock corporation, or its reserve, if it be a mutual corporation, shall have become impaired; or (d) has by contract of reinsurance or otherwise, transferred or attempted to transfer substantially its entire property or business, or entered into any transaction the effect of which is to merge substantially its entire property or business in the property or business of any other corporation, association, society or order, without having first obtained the written approval of the superintendent; or (e) is found, after an examination, to be in such condition that its further transaction of business will be hazardous to its policyholders, or to its creditors, or to the public; or (f) has wilfully violated its charter or any law of the state; or (g) whenever any officer thereof has refused to be examined under oath touching its affairs,—the superintendent may apply to the supreme court or any judge thereof in the judicial district in which the principal office of such corporation is located for an order directing such corporation to show cause why the superintendent should not take possession of its property and



conduct its business, and for such other relief as the nature of the case and the interests of its policyholders, creditors, stockholders or the public may require.

2. On such application, or at any time thereafter, such court may, in its discretion, issue an injunction restraining such corporation from the transaction of its business or disposition of its property until the further order of the court. On the return of such order to show cause, and after a full hearing, the court shall either deny the application or direct the superintendent forthwith to take possession of the property and conduct the business of such corporation, and retain such possession and conduct such business until, on the application either of the superintendent or of such corporation, it shall, after a like hearing, appear to the court that the ground for such order directing the superintendent to take possession has been removed and that the corporation can properly resume possession of its property and the conduct of its business.

3. If, on a like application and order to show cause, and after a full hearing, the court shall order the liquidation of the business of such corporation, such liquidation shall be made by and under the direction of the superintendent, who may deal with the property and business of such corporation in his own name as superintendent or in the name of the corporation, as the court may direct, and shall be vested by operation of law with title to all of the property, contracts and rights of action of such corporation as of the date of the order so directing him to liquidate. The filing or recording of such order in any record office of the state shall impart the same notice that a deed, bill of sale or other evidence of title duly filed or recorded by such corporation would have imparted.

4. For the purposes of this section, the superintendent shall have power to appoint, under his hand and official seal, one or more special deputy superintendents of insurance, as his agent or agents, and to employ such counsel, clerks and assistants as may by him be deemed necessary, and give each of such persons such powers to assist him as he may consider wise. The compensation of such special deputy superintendents, counsel, clerks and assistants, and all expenses of taking possession of and conducting the business of liquidating any such corporation shall be fixed by the superintendent, subject to the approval of the court, and shall, on certificate of the superintendent, be paid out of the funds or assets of such corporation.

5. For the purposes of this section, the superintendent shall

have power, subject to the approval of the court, to make and prescribe such rules and regulations as to him shall seem proper.

6. The superintendent shall transmit to the legislature, in his annual report, the names of the corporations so taken possession of, whether the same have resumed business or have been liquidated, and such other facts as shall acquaint the policyholders, creditors, stockholders and the public with his proceedings under this section; and, to that end, the special deputy superintendent in charge of any such corporation shall file annually with the superintendent a report of the affairs of such corporation similar to that required by law to be filed by such corporation.

7. All acts of the superintendent of insurance in taking or continuing in possession of any property, or in the regulation, conduct or liquidation of the business, of any corporation to which this section is applicable, since the first day of January, nineteen hundred and nine, whether such taking possession, continuing in possession, regulation, conduct or liquidation was in pursuance of a contract, by mutual consent or otherwise, are hereby ratified, legalized and confirmed.

§ 2. All acts or parts of acts inconsistent with this act are hereby repealed.

§ 3. This act shall take effect immediately.

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(No. 48.)

AN ACT to amend the greater New York charter, in relation to the appointment and compensation of drivers of patrol wagons.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Section two hundred and seventy-six of the Greater New York charter, as re-enacted by chapter four hundred and sixty-six of the laws of nineteen hundred and one, as amended by chapter seven hundred and thirty of the laws of nineteen hundred and one and chapter one hundred and sixty of the laws of nineteen hundred and seven, is hereby amended to read as follows:

§ 276. Police force; compensation.— Until otherwise provided by the board of estimate and apportionment, upon the recommendation of the mayor and the police commissioner, the police force in the police department created by this chapter, shall consist of the following members, to-wit: Captains of police, not exceeding

in number one to each fifty of the total number of patrolmen, except in the rural portion of the city, in addition to the number detailed to act as inspectors, as hereinafter provided; lieutenants of police, not exceeding four in number to each fifty of the total number of patrolmen; sergeants not exceeding four in number to each fifty patrolmen; the members of the telegraph force as specified in section two hundred and seventy-seven of this act, the telegraph operators to rank as lieutenants of police; the superintendent and inspectors of boilers as specified in section three hundred and forty-two of this act; doormen of police *and drivers of patrol wagons*, not exceeding two [in number to] of each in every fifty of the total number of patrolmen; surgeons of police, not exceeding forty in number, one of whom shall be chief surgeon; and patrolmen to the number of seven thousand eight hundred and thirty-nine. The deputy chiefs of police who shall have been in said office prior to April twenty-second, nineteen hundred and one, shall become captains of police, with the salaries of deputy chiefs, and the rights granted to deputy chiefs in respect to the relief pension fund. The rank or grade of inspector of police is hereby abolished and the inspectors of police who hold such office when this act takes effect shall become captains of police with the same salaries and the same rights in respect to the relief pension fund as inspectors of police were entitled to on the first day of February in the year nineteen hundred and seven. Those members of the police force who have heretofore been designated as sergeants of police shall hereafter be designated as lieutenants of police, and those members of the police force who have heretofore been designated as roundsmen shall hereafter be designated as sergeants. This change in the designation of ranks or grades shall in no way affect the respective rights as to pay and pension of those members of the police force in those ranks or grades which are hereby renamed.

§ 2. Section two hundred and ninety-nine of such charter, as amended by chapter six hundred and thirty-seven of the laws of nineteen hundred and five and chapter one hundred and sixty of the laws of nineteen hundred and seven, is hereby amended to read as follows:

#### SALARIES OF OFFICERS AND MEMBERS OF THE FORCE.

§ 299. The annual salaries and compensations of the officers and members of the police force shall be as follows, to wit: of



each captain of police who was heretofore a deputy chief of police, as provided in section two hundred and seventy-six of this act, five thousand dollars; of each captain of police who held the rank or grade of inspector of police with an annual salary of three thousand five hundred dollars before this act took effect, three thousand five hundred dollars; of every other captain of police, two thousand seven hundred and fifty dollars; of each police surgeon, three thousand five hundred dollars, and each police surgeon shall have the same rank as captain of police detailed to act as inspector; of each lieutenant of police, two thousand dollars; of each doorman, one thousand dollars; of each sergeant, one thousand five hundred dollars; *of each driver of patrol wagon, one thousand dollars*; and the grade and pay or compensation of patrolmen or policemen shall be as follows, to wit: All such members who are patrolmen and who shall have served five years or upwards on said force, shall be members of the first grade. All such members who shall have served on such force for less than five years, and more than four years and six months, shall be members of the second grade. All such members who shall have served on such force for less than four years and six months, and more than four years, shall be members of the third grade. All such members who shall have served on such force for less than four years and more than three years, shall be members of the fourth grade. All such members who shall have served on such force for less than three years, and more than two years, shall be members of the fifth grade. All such members who shall have served on such force for less than two years, and more than one year, shall be members of the sixth grade. And all persons appointed patrolmen on or after the first day of January, eighteen hundred and ninety-eight, shall be members of the seventh grade. Whenever any member of the seventh grade shall have done service therein for one year he shall be advanced to the sixth grade. Whenever any member of the sixth grade shall have done service therein for one year, he shall be advanced to the fifth grade. Whenever any member of the fifth grade shall have done service therein for one year, he shall be advanced to the fourth grade. Whenever any member of the fourth grade shall have done service therein for one year, he shall be advanced to the third grade. Whenever any member of the third grade shall have done service therein for six months, he shall be advanced to the second grade. And any member of said force who shall have served six months

in the second grade, shall become a member of the first grade. But no such patrolman shall be so advanced as aforesaid, except after an examination and approval by the police commissioner of his record, efficiency and conduct. The annual pay or compensation of the members of the police force who are patrolmen as aforesaid, shall be as follows: For members of the first grade, at the rate of not less than one thousand four hundred dollars each; for members of the second grade, at the rate of not less than one thousand three hundred and fifty dollars each; for members of the third grade, at the rate of not less than one thousand two hundred and fifty dollars each; for members of the fourth grade, at the rate of not less than one thousand one hundred and fifty dollars each; for members of the fifth grade, at the rate of not less than one thousand dollars each; for members of the sixth grade, at the rate of not less than nine hundred dollars each; for members of the seventh grade, at the rate of not less than eight hundred dollars each. The pay or compensation aforesaid shall be paid monthly to each person entitled thereto, subject to such deductions for or on account of lost time, sickness, disability, absence, fines or forfeitures, as the police department may by rules and regulation, from time to time prescribe or adopt. Nothing in this section contained shall be construed to change in any way the salaries or grading, present or prospective, of the patrolmen or policemen, who are or become members of the New York police force, prior to January first, eighteen hundred and ninety-eight. All other patrolmen or policemen of the various police forces consolidated into a single force by the provisions of this act, shall belong, so far as pay or compensation is concerned, to the grade indicated by the pay or compensation which they are respectively receiving on January first, eighteen hundred and ninety-eight. But nothing in this section contained shall be construed to affect in any other way the rights and privileges secured under the provisions of this act to the members of the various police forces consolidated into a single force by this act. The date for the eligibility of any member of the forces transferred to the consolidated force by sections two hundred and seventy-seven, two hundred and seventy-eight, two hundred and seventy-nine, and two hundred and eighty of this act for advancement to the next grade, shall be the day of the year on which he was originally appointed to the force from which he was transferred; and any member of the forces so transferred not a member of the New York police force prior to Janu-

ary first, eighteen hundred and ninety-eight, whose salary falls between two grades, shall receive the salary of and be assigned to the grade next above the salary he is receiving at the time of transfer.

Salaries of all officers in the forces so transferred other than officers in the New York police force prior to January first, eighteen hundred and ninety-eight, shall be equalized on the same basis. If the difference in pay is not more than fifty dollars the pay shall be equalized at once. If the difference is more than fifty dollars, the pay shall be made uniform within three years by equal annual additions.

§ 3. This act shall take effect immediately.

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(No. 49.)

AN ACT to amend the judiciary law, in relation to stenographer of the county court of Jefferson county.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Subdivision two of section one hundred and ninety-seven of chapter thirty-five of the laws of nineteen hundred and nine, entitled "An act in relation to the administration of justice, constituting chapter thirty of the consolidated laws," is hereby amended to read as follows:

2. The county judge in each of the counties of Albany, Erie, Monroe, Oneida, Rensselaer, *Jefferson* and Niagara may appoint and at pleasure remove a stenographer of said court.

§ 2. Subdivision one of section three hundred and eighteen of such chapter is hereby amended to read as follows:

1. The stenographer of the county court of each of the counties of Albany, Erie, Monroe, Oneida, Rensselaer, *Jefferson* and Niagara must attend each term of the said court where issues of fact in civil and criminal cases are triable. The stenographers of the county court of Kings and Queens counties must attend each term of said court. *The stenographer of the county court of Jefferson county shall as a part of his official duties, also act as stenographer to the grand jury of said county, and shall, at the request of the district attorney, attend preliminary hearings in criminal cases prior to the action of the grand jury thereupon.*

§ 3. Subdivision eight of section three hundred and nineteen of such chapter is hereby amended to read as follows.



8. The stenographer of the county court of Rensselaer county shall receive a salary of twelve hundred dollars per annum to be paid by the treasurer of said county of Rensselaer, quarterly. *The stenographer of the county court of Jefferson county shall receive a salary of twelve hundred dollars per annum together with his necessary expenses for stationery, to be paid by the treasurer of said county of Jefferson in equal monthly installments on the certificate of the county judge of Jefferson county that the services have been actually performed or the expenses necessarily incurred.*

§ 4. This act shall take effect immediately.

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(No. 50.)

AN ACT in relation to the annexation to the city of Syracuse of a certain portion of the town of Geddes, and in case such annexation is made to increase the number of wards in said city, and to make certain other provisions in relation to such annexation.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Adoption of proposition in village of Solvay.—During the month of June, nineteen hundred and nine, the board of trustees of the village of Solvay, Onondaga county, shall submit to a special election in such village in the manner provided by the village law the following proposition: Shall the village of Solvay be annexed to the city of Syracuse? If such proposition is adopted, the village clerk shall within ten days after the filing of the certificate of the adoption thereof in his office, file a certified copy of such certificate in the office of the county clerk.

§ 2. Description of territory to be annexed.—If such proposition is adopted there shall be annexed to the city of Syracuse in the county of Onondaga all that part of the town of Geddes in said county which is coextensive with the present village of Solvay, including said village of Solvay, and also all those other portions of said town of Geddes, lying contiguous to said village, which, together with said village, are bounded and described as follows, namely: Beginning at a point in the present westerly line of the city of Syracuse, at the southwesterly corner of the Myrtle cemetery, running thence westerly in a straight line to the southeasterly corner of the Montrose or Draper tract; thence westerly along the

southerly line of the Montrose or Draper tract to the westerly line of the highway known as the Fay road; thence northerly along the westerly line of the Fay road to its intersection with the southerly line of the Genesee turnpike; thence westerly along the southerly line of the Genesee turnpike to its intersection with the westerly line of farm lot one hundred and forty-eight; thence northerly along the westerly line of farm lot one hundred and forty-eight to the northwesterly corner of farm lot one hundred and forty-eight; thence westerly along the northerly line of farm lot one hundred and forty-seven, about three hundred and forty-three feet to the northeasterly corner of the lands of the Split Rock Cable Road Company; thence southerly parallel to the westerly line of farm lot one hundred and forty-eight to the southerly line of the Bacon tract if extended; thence westerly along said extended southerly line of the Bacon tract to the westerly line of farm lot one hundred and forty-seven; thence southerly on the line dividing farm lots one hundred and forty-seven and one hundred and forty-six, to the southeasterly corner of the Solvay village reservoir site; thence westerly along the southerly line of said reservoir site about five hundred and sixty-one feet to the southwest corner of said reservoir site; thence northerly along the westerly line of said reservoir site one hundred and fifty-five feet; thence westerly along the southerly line of the said reservoir site about thirty-six feet to a stone monument; thence northerly along the westerly line of said reservoir site about one hundred and fifty feet to a stone monument marking the northwesterly corner of said reservoir site; thence northerly on the prolongation of the last-mentioned monumented line to the southerly line of the Bacon tract; thence westerly parallel to Bacon street and along the southerly line of the Bacon tract to the westerly line of farm lot one hundred and forty-six; thence northerly along the westerly line of farm lot one hundred and forty-six to the northwesterly corner of farm lot one hundred and forty-six; thence westerly along the northerly lines of farm lots one hundred and forty-five and one hundred and forty-four to the westerly line of farm lot one hundred and forty-four, being also the line dividing the town of Geddes and the town of Camillus; thence in a generally northerly direction along the westerly lines of farm lots one hundred and thirty-six, forty-three, thirty-nine and thirty-eight, being also the present dividing line between the village of Solvay and the town of Camillus, to a point two hundred feet northerly and at right angles from the red line of the Erie canal; thence easterly parallel to and distant two hun-





Syracuse, shall be and hereby are changed so that no portion of the territory included within the city of Syracuse as so enlarged, shall be included in said town. The remainder of said town, not included within the boundaries of said city as so enlarged, shall be a separate and distinct town. Nothing in this act shall be deemed to change the term of office of any of the officers of the town of Geddes now in office, but no officer of said town, except justices of the peace now in office, shall have any jurisdiction over any part of the territory so annexed to said city.

§ 5. Village of Solvay and school district abolished.— If such proposition is adopted, upon such annexation the municipal and public corporation known as the village of Solvay shall cease and determine, and its powers, to the full extent of legislative power in this behalf, shall devolve upon the city of Syracuse. All offices pertaining to the local government of said village shall be abolished, and the term of office of all officers thereof, except as herein otherwise provided, shall terminate. All offices forming part of the local government of the town of Geddes, and of union free school district number two in said town, and the offices pertaining thereto shall be abolished as to the territory embraced within the city of Syracuse as hereby enlarged, except as herein otherwise expressly provided. The title to the school houses, sites and lots heretofore belonging to or in the possession of said union free school district number two, and situated within the portion of the village of Solvay and town of Geddes so annexed to the city of Syracuse, together with the furniture, books, apparatus and other school property therein or pertaining thereto, shall be vested in the city of Syracuse.

§ 6. Solvay firemen.— If such proposition is adopted and the territory of the village of Solvay annexed to the city of Syracuse, the members of the fire department of such village who do not become members of the fire department of the city of Syracuse shall be entitled to all the exemptions provided by law in the same manner and to the same extent as if they had served the full term prescribed by article ten of the general municipal law.

§ 7. Streets and highways.— If such proposition is adopted the streets and highways of the village of Solvay and all public highways in the annexed portion of the town of Geddes, as at present constituted and established, shall be, until changed or altered pursuant to law, highways of the city of Syracuse.

§ 8. Title to property in annexed territory; village and school

district debts abolished.—If such proposition is adopted, all property belonging to the village of Solvay and to the town of Geddes and of union free school district number two, and situated within any part of said town so annexed to the city of Syracuse at the time, is hereby vested in the city of Syracuse. All the then outstanding indebtedness of said village of Solvay shall be a charge upon and shall be paid by the city of Syracuse, as the same shall become due and payable. All the bonded indebtedness of said union free school district number two, represented by bonds issued prior to January first, nineteen hundred and nine, and outstanding at the time when this act takes effect, shall be a charge upon and shall be paid by the city of Syracuse, as the same shall become due and payable.

§ 9. Apportionment of town and school district debts and moneys.—If such proposition is adopted, the city of Syracuse shall be liable for its proportionate share of the debts which at the time this act takes effect shall exist against the town of Geddes and against said union free school district number two, except that the said school district bonds are hereby made a charge wholly upon the city of Syracuse. Said share to be so paid by the city of Syracuse shall bear the same ratio to the whole debt of said town and school district respectively as the assessed valuation of the portion of each of said town and school district so annexed to the city of Syracuse bears to the entire assessed valuation of said town and school district, respectively, according to the last assessment-rolls made before this act takes effect. If such proposition is adopted, within twenty days after this act takes effect, the mayor of the city of Syracuse and the supervisor of said town and the trustees of said school district shall ascertain the several proportionate shares on the basis above indicated, and shall make certificates showing the same, in duplicate, which shall be filed with the comptroller of said city, and with the clerk of said town and school district. The foregoing apportionment of indebtedness between the city of Syracuse, and the town of Geddes shall include and apply to the indebtedness which has been or may be incurred by said town incident to the proposed extension of Bridge street in said village of Solvay in said town in a general northerly direction to the New York state fair grounds and connecting with the Van Vleck road, so called, including the share of said town in the expense of effecting an overhead crossing over the tracks of the New York Central railroad, and of the West Shore railroad, and such indebtedness of the town of Geddes shall be apportioned in like

manner, and upon like basis and by the same officers as aforesaid, and the city of Syracuse shall be liable for the share thereof which is so apportioned to said city. All moneys of said town and school district remaining unexpended when this act takes effect, except as hereinafter specified, shall be apportioned in like manner and upon like basis and by the same officers as aforesaid, and statements of the said apportionment shall be made in the afore-mentioned certificates, and the amounts of such moneys which shall be apportioned to the city of Syracuse shall be paid to the treasurer thereof. If such proposition is adopted, the town of Geddes is hereby authorized to proceed in the manner prescribed by law to effect a sale, by public auction or otherwise, of the town hall, and the land appurtenant thereto, now owned by the town of Geddes and situated in the village of Solvay, and to convey title thereto to the purchaser, and the net proceeds of such sale shall be apportioned in like manner and upon like basis and by the same officers as aforesaid, and the amount of such net proceeds which shall be apportioned to the city of Syracuse shall be paid to the treasurer thereof.

§ 10. Takes in town and school district for nineteen hundred and nine.—If such proposition is adopted, all taxes which shall be levied upon property in the town of Geddes and in said union free school district number two before this act takes effect, shall be collected pursuant to existing laws, and applied to the purposes for which they shall have been levied, provided that the amounts so collected either before or after the date when this act takes effect, and not expended prior to that date, shall be apportioned as by this act provided for the apportionment of moneys of said town and school district. But if such proposition is adopted, after this act takes effect neither said town nor said school district shall have power to levy taxes by assessment upon real property situate or personal property of persons residing in the portions of said town and school district so annexed to the city of Syracuse.

§ 11. Village taxes for the year nineteen hundred and nine.—If such proposition is adopted, all taxes of the village of Solvay which shall have been levied but shall remain uncollected when this act takes effect shall be valid liens and shall be due to the city of Syracuse. If such proposition is adopted, all money belonging to said village, which when this act takes effect shall be in the hands of the authorities thereof, for whatever purpose raised, shall be deemed to be held by and be payable to the city of Syracuse, solely as the money of said city, and shall be forthwith delivered to the



treasurer of said city, and shall be applied as nearly as may be to the objects for which it was raised.

§ 12. Ward officers; election.—If such proposition is adopted, at the general election to be held in the month of November, nineteen hundred and nine, one alderman and one supervisor shall be elected in and for said twentieth ward, and the alderman and supervisor so elected shall take office on January first, nineteen hundred and ten, and shall hold office for two years, and their successors shall hereafter be elected in the method provided by existing law. For all purposes of such election in November, nineteen hundred and nine, and of all matters relative and incident thereto, including the creation of election districts, appointment of election officers, and all other matters prescribed by law to be done and performed by the common council or any city officer or officers, the present common council and officers of the city of Syracuse shall be regarded as the common council and officers of the city of Syracuse as hereby enlarged. The primaries to be held in the said ward so established in the year nineteen hundred and nine shall be official primaries, and shall be conducted according to the provisions of the primary election law; except, that any elector residing within any of the territory hereby annexed to said city shall have the same right to vote at all primaries of the party of which he is a member within the ward in which he resides, as if he were enrolled in the enrollment book of his party for the election district in which he resides; also except that the provisions of the primary election law with respect to the enrollment of electors shall not apply to said primaries in the said ward, and that any elector residing in said ward shall have the right to vote at the primaries of the party of which he is a member, within the ward in which he resides. At such election in November, nineteen hundred and nine, all electors residing in said ward shall also be entitled to vote for all general officers of the city of Syracuse, then to be elected.

§ 13. Sale of lighting plant and franchise.—If such proposition is adopted, the village of Solvay is hereby authorized and empowered to grant, sell and convey, in the method and subject to the conditions imposed by existing laws applicable thereto, the electric lighting and distributing plant now owned and operated by said village, together with all poles, wires and other appliances and equipment belonging or appurtenant thereto, and also a franchise or right, for such period of time and on such conditions as

may be duly determined and approved by said village, to supply electricity or gas, or both, for public and private lighting and power purposes, within the territory annexed to the city of Syracuse, including the franchise and right for that purpose to maintain and operate said present lighting plant and equipment, and install additional electric or gas plants, together with poles, wires, mains, pipes and all appropriate appliances and equipment, and to use the streets and alleys within said territory, annexed to the city of Syracuse, for the purpose of distributing gas or electricity, or both, as aforesaid, and the moneys received from such grant and sale may be used by said village prior to January first, nineteen hundred and ten, for general village purposes, and any portion thereof unexpended on January first, nineteen hundred and ten, shall belong to the city of Syracuse, and shall be paid over to the treasurer thereof, and the right or franchise so granted shall continue binding upon the city of Syracuse during the period of time named therein.

§ 14. This act shall take effect on the first day of January in the year nineteen hundred and ten, except as to the provisions of section one for the submission of a proposition in the village of Solvay and except as to the authority to sell the town hall of the town of Geddes, as provided in section eight of this act, and the authority to sell the village lighting plant and grant a franchise as provided in section twelve of this act, and as to the election to be held in November in the year nineteen hundred and nine; and as to the submission of such proposition at the special election in the village of Solvay, as to such election in November, nineteen hundred and nine, and all matters relative and incident thereto, and as to such authority, to sell said town hall, and authority to sell said lighting plant and grant said franchise, this act shall take effect immediately.

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(No. 51.)

AN ACT to amend the code of civil procedure, relative to personal service of summons upon certain unincorporated associations.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. The code of civil procedure is hereby amended by adding thereto, after section nineteen hundred and nineteen, a new section to be known as nineteen hundred and nineteen-a, to read as follows:

§ 1919-a. How personal service of summons made upon certain unincorporated associations.— Personal service of a summons upon any unincorporated association or society consisting of subordinate lodges, councils, or branches, doing business within the state, may be made by delivering a copy thereof within the state as follows:

1. To the president or treasurer of such association or society; or if the association or society lacks either of those officers, to the officer performing corresponding functions, under another name.

2. To a person designated for the purpose by a writing, under the seal of the association or society, and the signature of its president, vice-president, or other acting head, accompanied with the written consent of the person designated, and filed in the office of the secretary of state. The designation must specify a place within the state, as the office or residence of the person designated; and, if it is within a city, the street and the street number, if any, or other suitable designation of the particular locality. It remains in force until the filing in the same office of a written revocation thereof, or of the consent, executed in like manner; but the person designated may, from time to time, change the place specified as his office or residence to some other place within the state, by a writing executed by him and filed in like manner. The secretary of state may require the execution of any instrument, specified in this section, to be authenticated as he deems proper, and he may refuse to file it without such an authentication. An exemplified copy of the designation so filed, accompanied with a certificate that it has not been revoked, is presumptive evidence of the execution thereof, and conclusive evidence of the authority of the officer executing it.

3. If such a designation is not in force, or if neither the person designated, nor an officer specified in subdivision first of this section, can be found with due diligence, and the association or society has property within the state, or the cause of action arose therein, to the president or treasurer of any subordinate lodge, council, or branch of such association or society; or if such subordinate lodge, council, or branch lacks either of these officers, to the officer performing corresponding functions, under another name.

§ 2. This act shall take effect September first, nineteen hundred and nine.



(No. 52.)

AN ACT to amend the state printing law, generally.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Section eleven of chapter sixty of the laws of nineteen hundred and nine, entitled "An act relating to state printing, constituting chapter fifty-eight of the consolidated laws," is hereby amended to read as follows:

§ 11. Extra copies of messages and reports.—In addition to the usual number of regular reports made by the state officers and institutions, there shall be printed as extra copies of legislative documents for the use of the respective departments, institutions and boards; of the governor's message, two thousand copies, one thousand for the governor, and one thousand for the legislature; of the comptroller's report of the finances of the state, fifteen hundred copies; on the canals, two hundred and fifty copies; of the state treasurer's report, seven hundred copies; of the attorney-general's report, seven hundred copies bound in cloth, three hundred for the use of the attorney-general and four hundred for the use of the legislature; of the state engineer and surveyor's report, one thousand copies; of the report of the superintendent of insurance, four thousand copies, as provided by the insurance law, for the use of the department, and one thousand copies for the use of the legislature; of the report of the adjutant-general, one thousand copies bound in cloth; of the report of the superintendent of public works, one thousand five hundred copies; of the report of the superintendent of state prisons, one thousand five hundred copies bound in cloth; of the report of the state board of charities, one thousand five hundred copies; of the report of the state board of health, two thousand copies; of the report of the department of labor, three thousand five hundred sets, one thousand sets thereof for the use of the legislature; of the report of the state commissioner of excise, one thousand five hundred copies, five hundred copies thereof for the use of the legislature; of the report of the civil service commission, one thousand copies; of the report of the department of agriculture, to be bound in three volumes as directed by the commissioner, seven thousand sets, two thousand sets for the use of the department and five thousand sets for the use of the legislature; of the volumes containing the reports of the Geneva and Ithaca experiment stations, two thousand additional copies for the use of the trustees thereof; of the report of

the bureau of farmers' institutes, two thousand additional copies for the use of the bureau; of the report of the state commission in lunacy, one thousand five hundred copies for the commission, and five hundred copies for the legislature; of the report of the state board of tax commissioners, three thousand copies, two thousand for the state board of tax commissioners and one thousand for the legislature; of the regents' reports, one thousand copies; of the state library report, one thousand copies; of the state museum and natural history report, one thousand copies; of the annual reports of the public service commissions, [two] four thousand five hundred copies of each, all bound in cloth, one thousand of each for the use of the legislature and [one] three thousand five hundred for each commission, said [one] three thousand five hundred to include the five hundred copies provided for in the railroad law; of the report of the commissioner of education, fifteen thousand copies, all bound in cloth, to be distributed by that office as follows: eleven thousand three hundred copies for the school districts, being one copy for each school district, nine hundred copies to school commissioners and city superintendents of schools, two hundred copies to the state normal and training schools, three hundred copies to academies and high schools, one thousand copies to members and officers of the legislature and state officers, one thousand copies for the use of the commissioner of education, also three hundred copies printed on forty-four pound calendered paper, bound in leather, for exchange with superintendents of public instruction of the states and territories, and for distribution among public libraries; of the report of the superintendent of public buildings, five hundred copies, one hundred in cloth and the balance in paper; of the state geologist's report, one thousand five hundred copies, one thousand for the legislature and five hundred for the state geologists; of the report of the state historian, two thousand two hundred copies for the historian and five hundred copies for the duplicate department of the regents; of the report of the forest, fish and game commission, two thousand copies for the use of the commission, five hundred copies for the duplicate department of the regents, and six thousand copies for the use of the legislature, the report to be printed on calendered paper, with such illustrations as may be required; of the report of the Grand Army of the Republic, department of New York, one thousand copies for the use of the Grand Army; of the report of the state superintendent of banks, one thousand copies, as provided in the

banking law; of the report of the fiscal supervisor of state charities, one thousand five hundred copies; of the report of the state probation commission, one thousand five hundred copies; of the report of the state water supply commission, two thousand five hundred copies; and for all other institutions established by the state, when their printing is not done by the institutions, five hundred copies each. From the number of reports hereinbefore authorized there shall be delivered by the legislative printer to the regents for the use of its duplicate department such number of copies of said reports as the commissioner of education may certify before the first printing to be necessary for distribution or exchange, not in any case, however, to exceed fifty copies. Whenever any department shall, under the provisions of law, issue a portion of its annual report in advance in the form of bulletins, such bulletins shall be printed by the contractor for the legislative printing at the rates provided for in his contract. In the case of any printing authorized by this section, or of any printing hereafter authorized by resolution of either branch of the legislature or by a concurrent resolution thereof, no extra charge shall be made except for extra paper or work beyond that required by the terms of the contract actually furnished with the approval of the comptroller, and for such extra paper and work the charge allowed shall not exceed the current market rate. Composition shall not be charged a second time on matter printed from type already set or plates made at state expense, but the comptroller may make suitable allowance for handling of plates and reimposing type forms. In all cases where illustrations are used, the engravings and plates shall forthwith become the property of the state, and thereafter no charge shall be made for their subsequent use, except that the comptroller may make a suitable allowance for the handling of the plates. All of the extra copies of the reports mentioned in this section, except as otherwise provided, shall be bound in paper covers, unless a report shall embrace more than three hundred pages, in which case the whole number of extra copies shall be bound in cloth. Whenever any officer, bureau, board, commission, or any corporation or association shall make to more than one officer or body an annual report to be included in the legislative printing, the state printer shall not print such report for the year more than once at public expense, and the filing of a copy of the report as so printed shall be deemed a compliance with any law requiring a report to any other officer



or body than the one to which the original manuscript report was submitted; and any institution which makes a report to any bureau, department or commission, which report is thereafter included in the annual report of said bureau, department or commission, to the legislature, shall not be entitled for its own use, to additional copies of said report, unless otherwise specifically provided. No department, bureau or institution shall be entitled to the extra copies of the messages or reports herein provided unless the whole of the text thereof is placed in the hands of the legislative printer on or before the last day of the legislative session to which such message or report is submitted. All copies of messages and reports printed for the use of the legislature shall be delivered, one-third to the clerk of the senate and two-thirds to the clerk of the assembly, and shall be distributed as said clerks, respectively, shall direct.

§ 2. This act shall take effect immediately.

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(No. 53.)

AN ACT to amend the real property law and the membership corporations law, in relation to the acquisition of lands for cemetery purposes in certain counties.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Article thirteen of chapter fifty-two of the laws of nineteen hundred and nine, entitled "An act relating to real property, constituting chapter fifty of the consolidated laws," is hereby amended by adding thereto a new section to be section four hundred and fifty-one, to read as follows:

§ 451. Acquisition of lands by individuals for cemetery purposes in certain counties.—It shall not be lawful for any person to take by deed, devise or otherwise or set apart or use any land or ground in any of the counties of Westchester, Kings, Queens, Rockland, Suffolk or Nassau for cemetery purposes without the consent of the board of supervisors for such county, or of the board of aldermen of the city of New York as the case may be, first had and obtained in like manner as provided for in the membership corporations law; and said board of supervisors or board of aldermen in granting such consent may annex thereto such conditions, regulations and restrictions as such board may deem the public health or the public good require.

§ 2. Sections sixty-two and sixty-five of chapter forty of the laws of nineteen hundred and nine, entitled "An act relating to membership corporations, constituting chapter thirty-five of the consolidated laws," are hereby amended to read, respectively, as follows:

§ 62. Cemeteries in Kings, Queens, Rockland, Westchester, Nassau, *Suffolk* and Erie counties.—A cemetery corporation shall not take by deed, devise or otherwise any land in either of the counties of Kings, Queens, Rockland, Westchester, Nassau, *Suffolk* or Erie for cemetery purposes, or set apart any ground for cemetery purposes in either such county, unless the consent of the board of supervisors thereof, *or the board of aldermen of the city of New York as the case may be*, be first obtained, which board may grant such consent upon such conditions, regulations and restrictions as, in its judgment, the public health or the public good may require. Notice of application to any such board for such consent shall be published once a week for six weeks, in two newspapers of the county having the largest circulation therein, stating the time when the application will be made, a brief description of the lands proposed to be acquired, their location and the quantity thereof. All persons interested therein may be heard on the presentation of such application; and if such consent is granted, the corporation may take and hold the lands designated in such consent, which shall not authorize any one corporation to take or hold more than two hundred and fifty acres. Nothing contained in this section shall prevent any ecclesiastical incorporation in existence on April fifteenth, eighteen hundred and fifty-four, in either of said counties, from using any burial ground then belonging to it within such county as it has been heretofore accustomed. The board of supervisors of each such county, *or the board of aldermen of the city of New York as the case may be*, may, from time to time, make such regulations as to the mode of burials in any cemetery in the county as, in its judgment, the public health may require.

§ 65. Acquisition of property.—If the certificate of incorporation or by-laws of a cemetery corporation do not exclude any person from the privilege, on equal terms with other persons, of purchasing a lot or of burial in its cemetery, such corporation may, from time to time, acquire by condemnation, exclusively for the purposes of a cemetery, not more than two hundred acres of land in the aggregate, forming one continuous tract, wholly or

partly within the county in which its certificate of incorporation is recorded, except as in this article otherwise provided, as to the acquisition of land in the counties of Erie, Nassau, *Suffolk*, Kings, Queens, Rockland and Westchester. A cemetery corporation may acquire by condemnation, exclusively for the purposes of a cemetery, any real estate or any interest therein necessary to supply water for the uses of such cemetery, and the right to lay, relay, repair and maintain conduits and water pipes with connections and fixtures, in, through or over the lands of others; the right to intercept and divert the flow of waters from the lands of riparian owners, and from persons owning or interested in any waters. But no such cemetery corporation shall have power to take or use water from any of the canals of this state, or any canal reservoirs as feeders, or any streams which have been taken by the state for the purpose of supplying the canals with water. A cemetery corporation may acquire, otherwise than by condemnation, real property as aforesaid and additional real property, not exceeding in value two hundred thousand dollars, for the purposes of the convenient transaction of its general business, no portion of which shall be used for the purposes of a cemetery. A cemetery corporation may acquire, otherwise than by condemnation, additional real or personal property, absolutely or in trust, in perpetuity or otherwise; and use the same or the income therefrom in pursuance of the terms on which the same is acquired, for the following purposes, only:

1. The improvement or embellishment, but not the enlargement, of its cemetery;

2. The construction or preservation of a building, structure, fence or walk therein;

3. The renewal, erection or preservation of a tomb, monument, stone, fence, railing or other erection or structure on or around any lot therein; or,

4. The planting or cultivation of trees, shrubs, flowers or plants in or about a lot therein.

A cemetery corporation may accept a conveyance of real property held by a religious corporation for burial purposes, or by trustees for such purposes, if, all such trustees, living and residing in this state, unite in the conveyance, subject to all burdens, trusts and conditions to which the title of such grantors was subject. Lots previously sold in any such lands, and grants for burial purposes therein previously made, shall not be affected by



any such conveyance; nor shall any grave, monument or other erection thereupon, or any remains therein, be disturbed or removed without the consent of the lot owner, or if there be no such owner, without the consent of the heirs of the persons whose remains are buried in such grave. No cemetery shall hereafter be located in any city or incorporated village, without the consent of the common council of such city, or the board of trustees of such village, as the case may be.

§ 3. This act shall take effect immediately.

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(No. 54.)

AN ACT making appropriations for the support of government.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. The several amounts named in this act are hereby appropriated and authorized to be paid from the several funds indicated, to the respective public officers, and for the several purposes specified, for the fiscal year beginning on the first day of October, in the year nineteen hundred nine, namely:

### FROM THE GENERAL FUND.

#### EXECUTIVE DEPARTMENT.

For the salaries:

- of the governor, ten thousand dollars (\$10,000);
- lieutenant-governor, five thousand dollars (\$5,000);
- secretary to the governor, four thousand dollars (\$4,000);
- counsel to the governor, five thousand dollars (\$5,000);
- and for his actual and necessary traveling expenses in the performance of his official duties five hundred dollars (\$500), or so much thereof as may be necessary.
- military secretary, two thousand dollars (\$2,000);
- keeper and recorder of legislative bills, to which position the military secretary may be assigned, fifteen hundred dollars (\$1,500);
- pardon clerk, three thousand dollars (\$3,000);
- executive stenographer, two thousand five hundred dollars (\$2,500);

of the employees according to grade :

seventh grade, one employee, fifteen hundred dollars (\$1,500) ;

sixth grade, three employees, three thousand six hundred dollars (\$3,600) ;

and for temporary and other services, one thousand dollars (\$1,000), or so much thereof as may be necessary.

For necessary expenses including furniture, books, binding, blanks, printing, messages, traveling and other incidental expenses, six thousand dollars (\$6,000), or so much thereof as may be necessary.

For postage and transportation of letters, official documents, and other matter sent by express or freight including boxes or covering for same, one thousand dollars (\$1,000), or so much thereof as may be necessary.

For incidental expenses of the executive mansion, rent of stable and equipage, three thousand dollars (\$3,000), to be paid by the comptroller on the certificate of the governor.

#### NOTARIAL BUREAU.

For the salaries :

of the appointment clerk, twenty-five hundred dollars (\$2,500) ;

of the employees according to grade :

ninth grade, one employee, two thousand dollars (\$2,000) ;

eighth grade, one employee, one thousand seven hundred dollars (\$1,700) ;

seventh grade, one employee, fifteen hundred dollars (\$1,500) ;

and for temporary and other services and expenses, three thousand dollars (\$3,000), or so much thereof as may be necessary.

#### JUDICIARY.

##### COURT OF APPEALS.

For the salaries :

of the judges of the court of appeals, seventy thousand five hundred dollars (\$70,500) ; for their necessary expenses, as provided by chapter seven hundred eighteen, laws of eighteen hundred seventy-one, fourteen thousand dollars (\$14,000) ; for their additional expense allowance as provided by chapter six hundred six, laws of eighteen hundred ninety-eight, eleven thousand nine hundred dollars (\$11,900) ;

of the justices of the supreme court serving as associate judges of the court of appeals, twenty thousand dollars (\$20,000); for their necessary expenses, as provided by chapter seven hundred eighteen, laws of eighteen hundred seventy-one, four thousand dollars (\$4,000); for their additional expense allowance as provided by chapter six hundred six, laws of eighteen hundred ninety-eight, three thousand four hundred dollars (\$3,400);

of a confidential clerk, appointed by the chief judge of the court of appeals, twenty-five hundred dollars (\$2,500);

of the crier, one thousand five hundred dollars (\$1,500);

consultation clerk, three thousand dollars (\$3,000);

stenographer and librarian, two thousand two hundred dollars (\$2,200);

of three attendants, one thousand five hundred dollars each (\$4,500);

one attendant, seven hundred fifty dollars (\$750);

law clerk, two thousand dollars (\$2,000);

attendant designated as assistant law clerk, two thousand dollars (\$2,000);

messenger, one thousand dollars (\$1,000).

of clerks of judges of the court of appeals, appointed pursuant to section two hundred two of the code of civil procedure, and for expenses of offices for judges of the court of appeals incurred pursuant to section two hundred three of said code, five thousand eight hundred ninety-five dollars (\$5,895), or so much thereof as may be necessary.

of clerks appointed pursuant to section two hundred two of the code of civil procedure, by the justices of the supreme court assigned to serve as judges of the court of appeals, two thousand forty dollars (\$2,040).

#### CLERK OF THE COURT OF APPEALS.

For the salaries:

of the clerk, five thousand dollars (\$5,000);

deputy clerk, three thousand dollars (\$3,000);

remittitur clerk, two thousand five hundred dollars (\$2,500);

of the employees according to grade:

tenth grade, one employee, two thousand four hundred dollars (\$2,400);

ninth grade, one employee, two thousand one hundred dollars (\$2,100);



seventh grade, one employee, one thousand five hundred dollars (\$1,500).

For furniture, books, binding, blanks, printing and other necessary incidental office expenses, two thousand dollars (\$2,000), or so much thereof as may be necessary.

For postage and transportation of letters, official documents, and other matter sent by express or freight, including boxes or covering for same, five hundred dollars (\$500), or so much thereof as may be necessary.

#### LIBRARIES.

For books, binding and supplies for the fifteen judicial district libraries named in chapter four hundred, laws of eighteen hundred eighty, chapter four hundred forty-four, laws of eighteen hundred eighty-eight, chapter two hundred thirty-one, laws of eighteen hundred ninety-five, chapter thirty-two, laws of nineteen hundred two, chapter two hundred fifty-four, laws of nineteen hundred four, and chapter three hundred four, laws of nineteen hundred eight, six hundred dollars each, nine thousand dollars (\$9,000), or so much thereof as may be necessary;

for the libraries of the judges of the court of appeals, one thousand dollars (\$1,000), or so much thereof as may be necessary;

for books, binding and supplies for the library of the appellate division of the supreme court in the first judicial department, one thousand dollars \$1,000, or so much thereof as may be necessary, to be paid upon vouchers approved by the presiding justice of said court;

for the library of the appellate division of the supreme court in the second judicial department, one thousand dollars (\$1,000), or so much thereof as may be necessary, to be paid upon vouchers approved by the presiding justice of said court;

for the library of the appellate division of the supreme court in the third judicial department, one thousand dollars (\$1,000), or so much thereof as may be necessary, to be paid upon vouchers approved by the presiding justice of said court;

for the library of the appellate division of the supreme court in the fourth judicial department, one thousand five hundred dollars (\$1,500), or so much thereof as may be necessary, to be paid upon vouchers approved by the presiding justice of said court, and for the salary of the librarian, three thousand dollars (\$3,000), which latter amount is to be refunded pursuant to the provisions of chapter two hundred fifty-eight, laws of nineteen hundred;

for the library of the trial terms of the supreme court in the first judicial department, one thousand dollars (\$1,000), or so much thereof as may be necessary;

for the eighth judicial district library at Buffalo, one thousand dollars (\$1,000), or so much thereof as may be necessary;

for books, binding and supplies for the court of appeals library at Syracuse, two thousand dollars (\$2,000.00), to be paid upon the certificate of the librarian thereof, and for the salary of the librarian three thousand dollars (\$3,000.00), which latter amount is to be refunded pursuant to the provisions of chapter four hundred and eighty-two of the laws of nineteen hundred eight.

#### SUPREME COURT.

For the salaries:

of the justices of the supreme court, five hundred seventy thousand dollars (\$570,000), and for the expenses of said justices, other than those in the first judicial district, as provided by chapter five hundred forty-one, laws of eighteen hundred seventy-two, seventy-eight thousand dollars (\$78,000);

for compensation of justices of the supreme court designated to the appellate division of the second department from any district other than the second judicial district, to be refunded to the treasury, pursuant to chapter three hundred nine, laws of eighteen hundred ninety-eight, and chapter five hundred ninety-seven, laws of nineteen hundred one, thirty thousand nine hundred dollars (\$30,900);

for the compensation of the deputy clerk and attendants of the appellate division of the supreme court in the second judicial department, pursuant to chapter ninety-nine, laws of eighteen hundred ninety-six, as amended by chapter two hundred twenty-three, laws of eighteen hundred ninety-seven, and chapter four hundred fifty, laws of nineteen hundred, twelve thousand dollars (\$12,000), to be refunded to the treasury as provided by said laws;

for the compensation of confidential attendants of the appellate division of the supreme court, in the second judicial department, pursuant to chapter five hundred ninety-seven, laws of nineteen hundred two, as amended by chapter three hundred eighty-four, laws of nineteen hundred five, three thousand six hundred dollars (\$3,600), to be refunded to the treasury as provided by said laws;

for the necessary expenses of the several justices assigned to the appellate division of the supreme court, pursuant to chapter three

hundred ninety, laws of eighteen hundred ninety-six, and chapter four hundred sixty-eight, laws of nineteen hundred one, twenty-five thousand dollars (\$25,000), or so much thereof as may be necessary;

for the justices of the supreme court residing in the territory formerly composing the second judicial district, not residing in the county of Kings, namely, those residing in the present second and ninth districts outside of said county, for additional compensation, pursuant to chapter seven hundred sixty-five, laws of eighteen hundred sixty-eight, as amended by chapter one hundred twenty-six, laws of eighteen hundred eighty-three, chapter one hundred thirty-one, laws of eighteen hundred ninety-eight, and chapter two hundred ninety-four, laws of nineteen hundred six, ninety-two thousand seven hundred dollars (\$92,700); and for the stenographers residing in the counties composing the present second and ninth judicial districts and appointed under said first named act as amended by chapter one hundred fourteen, laws of eighteen hundred ninety-four, for compensation, twenty-two thousand dollars (\$22,000), to be paid only from moneys which shall have been or shall be paid into the treasury for taxes levied for the purposes of said acts and in pursuance thereof;

for trial justices, who attend a term or part of the supreme court, except in the counties of New York and Kings, outside the county in which they reside, for actual and necessary traveling and other expenses, incurred pursuant to chapter four hundred thirty-one, laws of nineteen hundred, twelve thousand dollars (\$12,000), or so much thereof as may be necessary;

for the stenographers of the supreme court, in the third, fourth, fifth, sixth, seventh and eighth judicial districts, for compensation, pursuant to sections two hundred fifty-eight and two hundred fifty-nine of the code of civil procedure, eighty-four thousand dollars (\$84,000), to be refunded to the treasury pursuant to chapter four hundred twenty-six, laws of eighteen hundred ninety;

for additional stenographers in the third and fourth judicial districts, for compensation and for actual and necessary expenses, eight thousand dollars (\$8,000), to be refunded to the treasury pursuant to chapter two hundred fifty-eight, laws of eighteen hundred ninety-three;

for compensation of confidential clerks to the justices of the supreme court, other than justices of the appellate division, residing in the second judicial district, not including the county of



Kings, ten thousand dollars (\$10,000), or so much thereof as may be necessary, to be refunded to the treasury pursuant to chapter eight hundred ninety-two, laws of eighteen hundred ninety-six, and chapter seven hundred forty-seven, laws of nineteen hundred four;

for compensation of confidential clerks to resident trial justices of the supreme court in the fifth judicial district, seven thousand two hundred dollars (\$7,200), or so much thereof as may be necessary, to be refunded to the treasury pursuant to chapter eight hundred ninety-three, laws of eighteen hundred ninety-six, and chapter one hundred forty-five, laws of eighteen hundred ninety-seven;

for compensation of confidential clerks to resident trial justices of the supreme court in the sixth and seventh judicial districts, to be refunded to the treasury, pursuant to chapter three hundred twenty-six, laws of eighteen hundred ninety-eight, ten thousand eight hundred dollars (\$10,800), or so much thereof as may be necessary;

for compensation of confidential clerks to resident trial justices of the supreme court in the eighth judicial district, to be refunded to the treasury, pursuant to chapter one hundred six, laws of eighteen hundred ninety-nine, six thousand dollars (\$6,000), or so much thereof as may be necessary;

for compensation of confidential clerks to resident trial justices of the supreme court in the ninth judicial district, eight thousand dollars (\$8,000), or so much thereof as may be necessary, to be refunded to the treasury pursuant to chapter six hundred ninety-six, laws of nineteen hundred six;

for compensation of confidential clerks to the justices of the supreme court designated to the appellate division of the second department, seventeen thousand five hundred dollars (\$17,500), or so much thereof as may be necessary, to be refunded to the treasury pursuant to chapter two hundred fifty-one, laws of nineteen hundred;

for the compensation of case and consultation clerk of the appellate division of the supreme court in the second judicial department, pursuant to chapter eighty-eight, laws of nineteen hundred seven, two thousand four hundred dollars (\$2,400), to be refunded to the treasury as provided by said law;

for the compensation of the consultation clerk of the appellate division of the fourth department, two thousand one hundred

dollars (\$2,100), and of the deputy clerk of said appellate division, one thousand five hundred dollars (\$1,500), and for the deputy clerk of the appellate division of the third department, two thousand dollars (\$2,000), to be refunded to the treasury as provided by section two hundred twenty-one of the code of civil procedure;

for expenses of the appellate divisions of the supreme court, for compensation of clerks, criers, attendants, and of stenographers and clerks to the justices and for their actual and necessary expenses, fifty thousand dollars (\$50,000), or so much thereof as may be necessary;

for compensation of two confidential clerks appointed by the justices of the appellate division of the supreme court in the second judicial department, seven thousand dollars (\$7,000), or so much thereof as may be necessary, to be refunded to the treasury pursuant to the provisions of chapter five hundred sixty, laws of nineteen hundred seven.

#### STATE REPORTER.

For the salaries:

- of the state reporter, five thousand dollars (\$5,000);
- deputy state reporter, three thousand seven hundred dollars (\$3,700);
- managing clerk, two thousand one hundred dollars (\$2,100);
- law clerk, two thousand dollars (\$2,000).

for rent, furniture, books, stationery, messages and other necessary incidental office expenses, eleven hundred twenty-five dollars (\$1,125).

#### SUPREME COURT REPORTER.

For the salaries:

- of the supreme court reporter pursuant to chapter one hundred sixty-four, laws of nineteen hundred five, five thousand dollars (\$5,000);
- deputy supreme court reporter, two thousand five hundred dollars (\$2,500);
- secretary, two thousand dollars (\$2,000);
- of the employees according to grade:
  - eighth grade, one employee, one thousand eight hundred dollars (\$1,800);
  - seventh grade, one employee, one thousand five hundred dollars (\$1,500);

sixth grade, one employee, one thousand dollars (\$1,000);  
fifth grade, one employee, nine hundred dollars (\$900);  
fourth grade, one employee, seven hundred twenty dollars (\$720);

second grade, one employee, four hundred fifty dollars (\$450).

For rent, furniture, books, stationery, messages and other necessary incidental office expenses, two thousand dollars (\$2,000), or so much thereof as may be necessary.

#### MISCELLANEOUS REPORTER.

For the salaries:

of the miscellaneous reporter four thousand five hundred dollars (\$4,500);

of the employees according to grade:

seventh grade, one employee, one thousand five hundred dollars (\$1,500);

sixth grade, two employees, two thousand four hundred dollars (\$2,400).

For rent, cleaning, lighting, heating offices, books, stationery, and other necessary office supplies and procuring copies of opinions, one thousand three hundred dollars (\$1,300), or so much thereof as may be necessary.

#### COURT OF CLAIMS.

For the salaries:

of the judges of the court of claims, twenty-four thousand dollars (\$24,000);

clerk, four thousand dollars (\$4,000);

deputy clerk, three thousand dollars (\$3,000);

court stenographer, two thousand five hundred dollars (\$2,500);

of the employees according to grade:

sixth grade, marshal, including his services as messenger, one thousand two hundred dollars (\$1,200);

fifth grade, one employee, nine hundred dollars (\$900);

fourth grade, two employees, one thousand four hundred forty dollars (\$1,440);

second grade, one employee, four hundred eighty dollars (\$480).

For the actual and necessary traveling expenses of the clerk, deputy clerk, stenographer and marshal in the performance of



their official duties elsewhere than in Albany, and for furniture, books, printing, stationery and other necessary incidental office expenses, two thousand seven hundred fifty dollars (\$2,750), or so much thereof as may be necessary.

## LEGISLATURE.

For the compensation and mileage of members and officers of the legislature, five hundred thousand dollars (\$500,000), or so much thereof as may be necessary;

For the clerks of the senate and assembly for clergymen officiating as chaplains, to be paid at the rate of five dollars for each day of attendance; for printing, stationery, supplies, file boards and record books; for preparation, proofreading and comparison of journals, documents and financial reports; for clerical and stenographic services; for preparation and revising legislative manual and clerk's manual; for books and blanks; for care of bills, documents and library; for law books and binding of books and records; for furniture, alteration and repairs of legislative rooms; for expense of receiving reports and printed documents and storing, addressing and forwarding the same; for engrossing resolutions and for other legislative and contingent expenses, to be paid upon the certificate of the clerk of the senate or assembly, respectively, the sum of twenty-five thousand dollars (\$25,000), or so much thereof as may be necessary.

For expenses of legislative committees, including compensation of witnesses; for indexing the bills, journals and documents of the senate and assembly; for indexing the executive journals of the senate and for preparation of supplementary indices to senate and assembly bills, journals and documents, to be paid upon the certificate of the temporary president of the senate or the speaker of the assembly respectively; for postage, express and transportation of letters, reports, documents and other matter sent by express or freight, including boxes and coverings for the same; for printing and furnishing the legislative manual and clerk's manual; for law and reference books and publications for the senate and assembly libraries, committees and legislature; for legislative indices to senate and assembly bills, journals and documents; for extra clerical service and engrossing; for furniture, alteration and repairs of legislative rooms, and for other contingent expenses of the legislature, to be paid upon the certificate of the clerk of the senate or assembly respectively, fifty thousand dollars (\$50,000), or so much thereof as may be necessary.

For compensation and necessary incidental office expenses during the legislative session of persons appointed under the legislative law to draft, examine and revise bills and furnish session indices and digests, to be paid upon the certificate of the temporary president of the senate and the speaker of the assembly, nine thousand one hundred fifty dollars (\$9,150), or so much thereof as may be necessary.

## OFFICE OF THE SECRETARY OF STATE.

For the salaries:

of the secretary of state, five thousand dollars (\$5,000);  
deputy secretary of state, four thousand dollars (\$4,000);  
chief clerk, three thousand dollars (\$3,000);  
examiner of corporations, two thousand seven hundred dollars (\$2,700);  
land clerk, two thousand seven hundred dollars (\$2,700);

of the employees according to grade:

tenth grade, one employee, two thousand two hundred dollars (\$2,200);  
ninth grade, two employees, four thousand dollars (\$4,000);  
seventh grade, four employees, six thousand dollars (\$6,000);  
sixth grade, nine employees, nine thousand eight hundred dollars (\$9,800);  
fifth grade, fifteen employees, thirteen thousand five hundred dollars (\$13,500);  
fourth grade, two employees, one thousand four hundred forty dollars (\$1,440);  
third grade, three employees, one thousand eight hundred dollars (\$1,800), or so much thereof as may be necessary.

For the purpose of complying with the provisions of subdivision six of section thirty-four of the election law, and of section ten of chapter six hundred eighty-nine, laws of nineteen hundred five, ten thousand dollars (\$10,000), or so much thereof as may be necessary.

For the purpose of complying with the provisions of section nineteen, and subdivision one of section thirty-six of the election law, eight thousand six hundred dollars (\$8,600), or so much thereof as may be necessary.

For the personal expenses and disbursements of the secretary of state in the performance of his official duties, five hundred dollars (\$500); for the actual and necessary traveling expenses of his deputy in the performance of his official duties, five hundred dollars (\$500), or so much thereof as may be necessary.

For furniture, books, binding, blanks, messages and other necessary incidental office expenses, five thousand five hundred dollars (\$5,500), or so much thereof as may be necessary.

For postage and transportation of letters, official documents, session laws, election laws and blanks, legislative documents, and other matter sent by express or freight, including boxes or covering for same, five thousand dollars (\$5,000), or so much thereof as may be necessary.

### OFFICE OF THE COMPTROLLER.

For the salaries:

- of the comptroller, six thousand dollars (\$6,000);
- deputy comptroller, five thousand dollars (\$5,000);
- second deputy comptroller, four thousand five hundred dollars (\$4,500);
- secretary to the comptroller, two thousand seven hundred dollars (\$2,700).

### FINANCE BUREAU.

For the salaries:

- of the assistant warrant clerk, three thousand dollars (\$3,000);
- voucher clerk, two thousand five hundred dollars (\$2,500);
- of the employees according to grade:
  - tenth grade, one employee, two thousand three hundred dollars (\$2,300);
  - ninth grade, one employee, two thousand dollars (\$2,000);
  - eighth grade, three employees, five thousand four hundred dollars (\$5,400);
  - seventh grade, one employee, one thousand five hundred dollars (\$1,500);
  - sixth grade, five employees, five thousand eight hundred dollars (\$5,800);
  - fifth grade, two employees, one thousand eight hundred dollars (\$1,800);
  - first grade, one employee, three hundred sixty dollars (\$360).



## LAND BUREAU.

For the salaries:

- of the chief clerk, three thousand dollars (\$3,000);
- of the employees according to grade:
  - ninth grade, two employees, four thousand dollars (\$4,000);
  - eighth grade, four employees, six thousand nine hundred dollars (\$6,900);
  - seventh grade, five employees, seven thousand five hundred dollars (\$7,500);
  - sixth grade, two employees, two thousand two hundred dollars (\$2,200), or so much thereof as may be necessary.

For protecting and perfecting the state's title to lands, one thousand dollars (\$1,000), or so much thereof as may be necessary.

## TRANSFER TAX BUREAU.

For the salaries:

- of the chief clerk, three thousand dollars (\$3,000);
- of the employees according to grade:
  - tenth grade, one employee, two thousand four hundred dollars (\$2,400);
  - ninth grade, one employee, two thousand one hundred dollars (\$2,100);
  - eighth grade, one employee, one thousand eight hundred dollars (\$1,800);
  - seventh grade, five employees, seven thousand one hundred dollars (\$7,100);
  - sixth grade, three employees, three thousand four hundred dollars (\$3,400);
  - fifth grade, three employees, two thousand seven hundred dollars (\$2,700);

## CORPORATION TAX BUREAU.

For the salaries:

- of the chief clerk, three thousand five hundred dollars (\$3,500);
- of the employees according to grade:
  - ninth grade, one employee, two thousand dollars (\$2,000);
  - eighth grade, three employees, five thousand two hundred dollars (\$5,200);

seventh grade, four employees, five thousand four hundred dollars (\$5,400);  
fifth grade, one employee, nine hundred dollars (\$900); or so much thereof as may be necessary.

## NEW YORK CITY OFFICE.

For the salaries:

of the commissioner, three thousand dollars (\$3,000);  
of the employees according to grade:  
seventh grade, two employees, three thousand dollars (\$3,000);  
sixth grade, two employees, two thousand four hundred dollars (\$2,400);  
third grade, one employee, six hundred dollars (\$600).

MORTGAGE TAX, MUNICIPAL ACCOUNTS, AND COURT AND TRUST  
FUND EXAMINATIONS.

For the salaries:

of the chief accountant, two thousand five hundred dollars (\$2,500);  
of the employees according to grade:  
seventh grade, two employees, three thousand dollars (\$3,000);  
sixth grade, one employee, one thousand two hundred dollars (\$1,200).

For the services of examiners in the examination of the accounts of the several counties, cities of the second and third classes and incorporated villages of the state, pursuant to chapter seven hundred five, laws of nineteen hundred five, as amended by chapter two hundred fifteen, laws of nineteen hundred seven, twenty-six thousand dollars (\$26,000);

for the actual and necessary traveling expenses of examiners in the performance of their official duties, ten thousand dollars (\$10,000);

for the services of examiners in the examination of the accounts of the several county treasurers of the state, as required by chapter six hundred fifty-one, laws of eighteen hundred ninety-two, twenty thousand dollars (\$20,000);

for the actual and necessary traveling expenses of examiners in the performance of their official duties, seven thousand dollars (\$7,000), or so much thereof as may be necessary;

for printing and incidental expenses of the bureau, nine hundred dollars (\$900).

## STOCK TRANSFER TAX BUREAU.

For the salaries:

of the chief clerk, two thousand five hundred dollars (\$2,500);  
of the employees according to grade:

fifth grade, one employee, nine hundred dollars (\$900).

For services of examiners and detectives, twenty-two thousand dollars (\$22,000), and for their actual and necessary traveling expenses in the performance of their official duties, for dies, plates and printing necessary for the manufacture of stamps and for stationery, books, blanks and other necessary incidental expenses, fifteen thousand dollars (\$15,000), or so much thereof as may be necessary.

## MISCELLANEOUS.

For the personal expenses and disbursements of the comptroller in the performance of his official duties, one thousand dollars (\$1,000); for the actual and necessary traveling expenses of the deputy comptroller, one thousand dollars (\$1,000), and of the second deputy comptroller, two hundred fifty dollars (\$250), or so much thereof as may be necessary in the performance of their official duties.

For messenger and other service:

sixth grade, one employee, one thousand dollars (\$1,000);

fifth grade, one employee, nine hundred dollars (\$900);

second grade, one employee, three hundred sixty-five dollars (\$365).

For temporary clerical service, two thousand dollars (\$2,000), or so much thereof as may be necessary.

For furniture, books, binding, blanks, printing, messages and other necessary incidental office expenses, including rent of New York city office, sixteen thousand dollars (\$16,000), or so much thereof as may be necessary.

For postage and transportation of letters, official documents, and other matters sent by express or freight, including boxes or covering for same, eight thousand dollars (\$8,000), or so much thereof as may be necessary.

## EXAMINATION OF RACING ASSOCIATIONS.

For salary and expenses of examiner appointed by the governor, pursuant to chapter four hundred fourteen, laws of eighteen hundred ninety-nine, to examine the books of the running associa-



tions, three thousand dollars (\$3,000), and for salaries and expenses of two examiners to examine the books of the trotting associations of the state, four thousand dollars (\$4,000), or so much thereof as may be necessary; the amounts herein appropriated to be paid from the funds collected from said associations.

## STATIONERY.

For stationery for the governor, secretary of state, comptroller, treasurer, attorney-general, state engineer and surveyor, commissioner of education, adjutant-general, clerk of the court of appeals, state board of charities, state department of health, civil service commission, superintendent of public buildings, fiscal supervisor of state charities, and department of labor, fourteen thousand dollars (\$14,000), or so much thereof as may be necessary.

## BUREAU OF CANAL AFFAIRS.

## PAYABLE FROM CANAL FUND.

For the salaries:

of the chief clerk, three thousand dollars (\$3,000);

of the employees according to grade:

eighth grade, two employees, three thousand six hundred dollars (\$3,600);

sixth grade, one employee, one thousand two hundred dollars (\$1,200);

for night watchman, three hundred sixty-five dollars (\$365);

for salary of transfer agent, one thousand two hundred dollars (\$1,200);

for printing, advertising and other necessary incidental office expenses of the bureau, one thousand eight hundred dollars (\$1,800), or so much thereof as may be necessary.

## BUREAU OF HIGHWAYS.

## PAYABLE FROM HIGHWAY FUND.

For the salaries:

of the chief clerk, two thousand four hundred dollars (\$2,400);

of the employees according to grade:

eighth grade, one employee, one thousand eight hundred dollars (\$1,800);

fifth grade, one employee, nine hundred dollars (\$900);

for the Bank of Manhattan Company, New York, for keeping transfer office and for stationery for same, two thousand dollars (\$2,000), or so much thereof as may be necessary..

### OFFICE OF THE TREASURER.

For the salaries:

- of the treasurer, five thousand dollars (\$5,000);
- deputy treasurer, four thousand dollars (\$4,000);
- cashier, two thousand seven hundred dollars (\$2,700);
- of the employees according to grade:
- tenth grade, two employees, four thousand eight hundred dollars (\$4,800);
- eighth grade, one employee, one thousand eight hundred dollars (\$1,800);
- seventh grade, three employees, four thousand three hundred dollars (\$4,300);
- sixth grade, one employee, one thousand dollars (\$1,000);
- fifth grade, one employee, nine hundred dollars (\$900);
- fourth grade, one employee, seven hundred twenty dollars (\$720), or so much thereof as may be necessary.

For the personal expenses and disbursements of the treasurer in the performance of his official duties, five hundred dollars (\$500); for the actual and necessary traveling expenses of the deputy treasurer in the performance of his official duties, five hundred dollars (\$500), or so much thereof as may be necessary.

For postage and transportation of letters, official documents and other matter sent by express or freight, including boxes or covering for same, nine hundred dollars (\$900), or so much thereof as may be necessary.

For furniture, books, binding, blanks, printing and other necessary incidental office expenses of the treasurer, two thousand dollars (\$2,000), or so much thereof as may be necessary.

### OFFICE OF THE ATTORNEY-GENERAL.

For the salaries:

- of the attorney-general, five thousand dollars (\$5,000);
- first and second deputies, four thousand five hundred dollars each, nine thousand dollars (\$9,000);
- six deputies, four thousand dollars each, twenty-four thousand dollars (\$24,000);

one deputy, three thousand dollars (\$3,000);  
one assistant to the deputy, three thousand five hundred dollars (\$3,500);  
four deputies, ten thousand dollars (\$10,000);  
land and tax clerk, three thousand dollars (\$3,000);  
of the employees according to grade:  
ninth grade, one employee, two thousand dollars (\$2,000);  
eighth grade, one employee, one thousand eight hundred dollars (\$1,800);  
seventh grade, three employees, four thousand five hundred dollars (\$4,500);  
sixth grade, three employees, three thousand six hundred dollars (\$3,600);  
fifth grade, two employees, one thousand eight hundred dollars (\$1,800);  
third grade, one employee, six hundred dollars (\$600), or so much thereof as may be necessary.

For the personal expenses and disbursements of the attorney-general in the performance of his official duties, two thousand four hundred dollars (\$2,400);

For furniture, books, binding, blanks, printing, messages, postage, and the transportation of letters, documents and other matter sent by express or freight, including boxes or covering for the same and other necessary incidental office expenses, ten thousand dollars (\$10,000), or so much thereof as may be necessary.

#### NEW YORK CITY BUREAU.

For the salaries:

of the deputy, four thousand dollars (\$4,000);  
two deputies, five thousand two hundred dollars (\$5,200);  
of the employees according to grade:  
seventh grade, one employee, one thousand five hundred dollars (\$1,500);  
third grade, three employees, one thousand eight hundred dollars (\$1,800), or so much thereof as may be necessary.

For the compensation of special counsel, at not to exceed ten dollars per day, each to be designated on the written order of the attorney-general, for office rent, furniture, books, binding, blanks, postage, messages and other necessary incidental office expenses,



six thousand five hundred dollars (\$6,500), or so much thereof as may be necessary.

Said New York city bureau shall keep a docket, in which shall be entered a record of all cases and proceedings pending, of a civil or criminal nature, in which the people of the state of New York, or any officer or department of the state, shall be a party, represented by the said New York city deputy or his assistant or special counsel, and shall make a report daily of his proceedings in all such cases and proceedings to the attorney-general. The said New York city deputy shall have, under the direction of the attorney-general, immediate charge of all matters referred to in section fifty-seven of the executive law, the agricultural law, and all matters in which the attorney-general represents the state, arising or existing within the limits of New York city, and all fees, costs and fines collected by the New York city deputy or by his assistants, shall, on the day of the receipt thereof, be transmitted to the attorney-general, who shall deposit the same with the treasurer of the state of New York.

#### OFFICE OF THE STATE ENGINEER AND SURVEYOR.

For the salaries:

of the state engineer and surveyor, five thousand dollars (\$5,000);

deputy state engineer and surveyor, five thousand dollars (\$5,000);

chief clerk, three thousand dollars (\$3,000);

of the employees according to grade:

ninth grade, one employee, two thousand dollars (\$2,000);

eighth grade, one employee, one thousand eight hundred dollars (\$1,800);

sixth grade, four employees, four thousand one hundred dollars (\$4,100);

third grade, two employees, one thousand one hundred forty dollars (\$1,140), or so much thereof as may be necessary.

For furniture, books, binding, blanks, printing and other necessary incidental office expenses, three thousand dollars (\$3,000), or so much thereof as may be necessary.

For postage and transportation of letters, official documents and other matter sent by express or freight, including boxes or covering for same, two thousand dollars (\$2,000), or so much thereof as may be necessary.

## PAYABLE FROM THE CANAL FUND.

For salaries and compensation of the engineers employed upon the ordinary repairs of canals, thirty thousand dollars (\$30,000), or so much thereof as may be necessary.

For the traveling expenses of the state engineer and surveyor, two thousand dollars (\$2,000), payable quarterly in full for all such expenses; for the actual and necessary traveling expenses of the deputy state engineer and surveyor, in the performance of his official duties, one thousand dollars (\$1,000), or so much thereof as may be necessary.

## DEPARTMENT OF AGRICULTURE.

For the salaries:

of the commissioner of agriculture, four thousand dollars (\$4,000);

one assistant commissioner, three thousand six hundred dollars (\$3,600);

one assistant commissioner in the second district, who shall have been a resident of that district at least nine years, three thousand dollars (\$3,000);

chief of accounts, two thousand two hundred fifty dollars (\$2,250);

chief chemist, three thousand dollars (\$3,000);

assistant chemist, two thousand dollars (\$2,000);

chemist, bacteriologists, physiologists and other scientific employees, five thousand dollars (\$5,000), or so much thereof as may be necessary;

veterinarians, three thousand dollars (\$3,000), or so much thereof as may be necessary.

confidential agent, two thousand dollars (\$2,000);

of the employees according to grade:

eighth grade, three employees, five thousand four hundred dollars (\$5,400);

seventh grade, five employees, seven thousand five hundred dollars (\$7,500);

six cheese instructors, nine thousand dollars (\$9,000);

four butter instructors, six thousand dollars (\$6,000);

sixth grade, thirty-seven special agents, forty-three thousand six hundred dollars (\$43,600);  
three employees, three thousand four hundred dollars (\$3,400);  
fifth grade, eleven employees, nine thousand three hundred dollars (\$9,300);  
fourth grade, two employees, one thousand four hundred forty dollars (\$1,440);  
first grade, one employee, three hundred sixty dollars (\$360), or so much thereof as may be necessary.

For maintenance of farmers' institutes held under the auspices of the commissioner of agriculture, to be paid upon the order of said commissioner, and certified in sums as needed, and for which vouchers for expenditure duly audited and verified by him shall be rendered, twenty thousand dollars (\$20,000), or so much thereof as may be necessary.

For the actual and necessary traveling expenses of the assistant commissioners, and employees except the assistant commissioner located at Albany, in the performance of their official duties, and for the actual and necessary incidental expenses of the department, sixty thousand dollars (\$60,000), or so much thereof as may be necessary.

For the commissioner of agriculture, one thousand seven hundred fifty dollars (\$1,750), in lieu of and in full for all traveling expenses when on official duties connected with the department of agriculture, payable quarterly, but not in lieu of nor in full for traveling expenses incident to ex-officio duties.

For the first assistant commissioner located at Albany, seven hundred fifty dollars (\$750), in lieu of and in full for all traveling expenses, payable quarterly.

For commissioner of agriculture for the purpose of investigation and examination of contagious diseases of plants, and San Jose scale and other dangerously infectious or contagious insect pest or pests, twenty-five thousand dollars (\$25,000), or so much thereof as may be necessary.

#### BUREAU OF STATISTICS.

For salary:

seventh grade, one employee, one thousand five hundred dollars (\$1,500).



For the actual and necessary incidental expenses as provided by article fourteen of the agricultural law, seven thousand five hundred dollars (\$7,500), or so much thereof as may be necessary.

#### AGRICULTURAL EXPERIMENT STATION AT GENEVA.

To the commissioner of agriculture, for the New York state agricultural experiment station, for enforcing the provisions of law in relation to commercial fertilizers, pursuant to chapter four hundred thirty-seven, laws of eighteen hundred ninety, and chapter nine hundred fifty-five, laws of eighteen hundred ninety-six, and chapter six hundred eighty-seven, laws of eighteen hundred ninety-nine, and for the expense of bulletins as provided therein, and any acts amendatory thereof, ten thousand dollars (\$10,000), or so much thereof as may be necessary, to be paid from license fees received by the state treasurer on fertilizers.

For the expense of enforcing the provisions of the law in relation to concentrated feeding stuffs, as shall be authorized by the board of control, pursuant to chapter five hundred ten, laws of eighteen hundred ninety-nine, and the acts amendatory thereof, to be paid from license fees received by the state treasurer on concentrated feeding stuffs, three thousand five hundred dollars (\$3,500), or so much thereof as may be necessary.

To the board of control for the agricultural experiment station at Geneva:

for the salaries of the scientific staff and clerical force, forty-two thousand dollars (\$42,000), or so much thereof as may be necessary;

for labor, including engineers, janitors, laboratory helpers, gardeners, herdsman, teamsters, poultrymen, watchmen and other necessary labor fifteen thousand dollars (\$15,000), or so much thereof as may be necessary;

for necessary expenses in conducting researches in plant nutrition, diseases of plants, injurious insects, bacteriology, animal nutrition, dairy practice and poultry keeping, twenty-three thousand five hundred dollars (\$23,500), or so much thereof as may be necessary;

for general expenses, including heat, light, water, equipment of scientific apparatus, and farm implements and machinery and general repairs six thousand five hundred dollars (\$6,500), or so much thereof as may be necessary;

## ALFRED UNIVERSITY.

For the maintenance of the State School of Clay Workings and Ceramics at Alfred University, as provided by chapter three hundred eighty-three, laws of nineteen hundred, seven thousand five hundred dollars (\$7,500), or so much thereof as may be necessary.

For the maintenance of Alfred Agricultural School at Alfred University, as provided by chapter two hundred of the laws of nineteen hundred eight, twenty thousand dollars (\$20,000), or so much thereof as may be necessary.

## CORNELL UNIVERSITY.

For payment to Cornell University, being the interest at five percentum on the proceeds of the college land scrip fund pursuant to chapter seventy-eight, laws of eighteen hundred ninety-five, thirty-four thousand four hundred twenty-eight dollars and eighty cents (\$34,428.80).

For the State Veterinary College at Cornell University for maintenance, equipment and necessary material to conduct the same, thirty-five thousand dollars (\$35,000), payable to the treasurer of Cornell University on the warrant of the comptroller.

For the State College of Agriculture at Cornell University for the maintenance equipment and necessary material to conduct the college of agriculture, one hundred seventy-five thousand dollars (\$175,000), payable to the treasurer of Cornell University on the warrant of the comptroller, pursuant to chapter two hundred eighteen, laws of nineteen hundred six.

## SAINT LAWRENCE UNIVERSITY.

For the maintenance of the New York School of Agriculture at Saint Lawrence University, as provided by chapter six hundred eighty-two of the laws of nineteen hundred six, thirty thousand dollars (\$30,000), or so much thereof as may be necessary.

## STATE FAIR COMMISSION.

For the salaries of the commissioners, fifteen thousand dollars (\$15,000); of the secretary of the commission, two thousand five hundred dollars (\$2,500); of the treasurer of the commission, two thousand dollars (\$2,000); of the superintendents, two thousand five hundred dollars (\$2,500); of the gardeners, nine hundred dollars (\$900); of the racing secretary, one thousand dol-

lars (\$1,000); of the secretary of the horse show department, seven hundred fifty dollars (\$750); for the expense of the commission, four thousand dollars (\$4,000); for printing and advertising, ten thousand dollars (\$10,000); for insurance, three thousand dollars (\$3,000); for maintenance, improvement of grounds and general repairs, twenty thousand dollars (\$20,000); for the payment of premiums at the state fair to be held in nineteen hundred ten, forty thousand dollars (\$40,000).

### OFFICE OF STATE ARCHITECT.

For the salaries:

of the state architect, seven thousand five hundred dollars (\$7,500);

deputy state architect, five thousand dollars (\$5,000);

private secretary, two thousand dollars (\$2,000);

chief draftsman, three thousand dollars (\$3,000);

engineer-in-chief, two thousand seven hundred fifty dollars (\$2,750);

electrical engineer, two thousand four hundred dollars (\$2,400);

structural engineer, two thousand dollars (\$2,000);

heating engineer, two thousand dollars (\$2,000);

sanitary engineer, two thousand dollars (\$2,000);

draftsmen and tracers, thirty thousand dollars (\$30,000), or so much thereof as may be necessary;

of the employees according to grade:

eighth grade, two employees, one thousand six hundred dollars (\$1,600);

seventh grade, two employees, two thousand nine hundred dollars (\$2,900);

sixth grade, four employees, four thousand dollars (\$4,000);

second grade, one employee, four hundred eighty dollars (\$480);

first grade, one employee, three hundred sixty dollars (\$360), or so much thereof as may be necessary;

of building inspectors, eighteen thousand dollars (\$18,000), or so much thereof as may be necessary;

engineering inspectors, four thousand two hundred fifty dollars (\$4,250), or so much thereof as may be necessary.



For office supplies and expenses, five thousand dollars (\$5,000), or so much thereof as may be necessary.

For actual and necessary traveling expenses of the state architect, deputy state architect, architectural and engineering inspectors, draftsmen and employees, in the performance of their official duties, six thousand dollars (\$6,000), or so much thereof as may be necessary.

### BANKING DEPARTMENT.

For the salaries:

of the superintendent, seven thousand dollars (\$7,000), and for his actual and necessary traveling expenses in the performance of his official duties, five hundred dollars (\$500), or so much thereof as may be necessary;

first deputy superintendent, five thousand dollars (\$5,000), and for his actual and necessary traveling expenses in the performance of his official duties, two hundred dollars (\$200), or so much thereof as may be necessary;

second deputy superintendent in New York city, four thousand five hundred dollars (\$4,500);

third deputy superintendent, four thousand dollars (\$4,000);

confidential clerk and private secretary, three thousand five hundred dollars (\$3,500);

of the employees according to grade:

tenth grade, one employee, two thousand four hundred dollars (\$2,400);

seventh grade, three employees, four thousand three hundred dollars (\$4,300);

sixth grade, seven employees, seven thousand eight hundred dollars (\$7,800);

fifth grade, one employee, nine hundred dollars (\$900);

second grade, night watchman, four hundred twenty dollars (\$420);

For rent of branch office in the city of New York, two thousand dollars (\$2,000).

For furniture, books, binding, blanks, printing and other incidental office expenses, ten thousand five hundred dollars (\$10,500).

For a contingent fund to be used for the expenses of appraising

property and other contingent expenses in connection with the administration of the banking department, two thousand dollars (\$2,000).

For the payment of the examiners for the examination of corporations and individual bankers, pursuant to the banking law, one hundred thousand dollars (\$100,000), or so much thereof as may be necessary.

The amounts required for the aforesaid salaries, clerk hire, payment of examiners, and other expenses above mentioned, shall be refunded to the treasury from such portion of the interest earned by the moneys deposited with the superintendent of banks by the receivers of insolvent savings banks and the trustees of solvent savings banks which closed voluntarily as the superintendent of banks shall deem reasonable; and the remainder by the institutions subject to the supervision of the superintendent of banks, and required by law to make report to the banking department, through an assessment of fifteen dollars (\$15) upon each institution and upon each branch of an institution, without regard to the volume of assets, and by the apportionment of the residue pro rata according to the resources of each institution the reported aggregate assets of which amount to fifty thousand dollars (\$50,000) or more.

#### STATE BOARD OF CHARITIES.

For the salary of the secretary, three thousand five hundred dollars (\$3,500).

For compensation of twelve commissioners, as provided by chapter five hundred forty-six, laws of eighteen hundred ninety-six, two thousand dollars (\$2,000), or so much thereof as may be necessary.

For the salaries:

of the superintendent of inspection, two thousand five hundred dollars (\$2,500);

of the employees according to grade:

eighth grade, one employee, one thousand eight hundred dollars (\$1,800);

sixth grade, three employees, three thousand six hundred dollars (\$3,600);

fourth grade, five employees, three thousand six hundred dollars (\$3,600), or so much thereof as may be necessary.

For temporary help, five hundred dollars (\$500), or so much thereof as may be necessary.

For the actual and necessary expenses of the commissioners and secretary in the performance of their official duties, two thousand five hundred dollars (\$2,500), or so much thereof as may be necessary.

For the actual and necessary traveling expenses of the employees of the department in the performance of their official duties, two thousand dollars (\$2,000), or so much thereof as may be necessary.

For furniture, rent, books, blanks, printing and other necessary and incidental office expenses, six thousand five hundred dollars (\$6,500), or so much thereof as may be necessary.

For postage, and transportation of letters, official documents and other matter sent by express or freight, including boxes or covering for same, one thousand five hundred dollars (\$1,500), or so much thereof as may be necessary.

#### NEW YORK OFFICE.

For the salaries:

of the superintendent, one thousand five hundred dollars (\$1,500);

of the employees according to grade:

seventh grade, one employee, one thousand four hundred dollars (\$1,400);

sixth grade, one employee, one thousand two hundred dollars (\$1,200);

fifth grade, two employees, one thousand eight hundred dollars (\$1,800);

fourth grade, one employee, seven hundred twenty dollars (\$720);

third grade, one employee, six hundred dollars (\$600).

#### ROCHESTER OFFICE.

of the employees according to grade:

sixth grade, one employee, one thousand two hundred dollars (\$1,200);

third grade, one employee, six hundred dollars (\$600).

#### STATE AND ALIEN POOR.

of the superintendent, three thousand dollars (\$3,000);

deputy superintendent in New York city, one thousand five hundred dollars (\$1,500);



of the employees according to grade:

ninth grade, one employee, two thousand dollars (\$2,000);  
seventh grade, one employee, one thousand five hundred dollars  
(\$1,500);

sixth grade, six employees, seven thousand two hundred  
dollars (\$7,200);

fifth grade, two employees, one thousand eight hundred dol-  
lars (\$1,800);

fourth grade, two employees, one thousand four hundred forty  
dollars (\$1,440);

third grade, one employee, six hundred dollars (\$600), or so  
much thereof as may be necessary.

For the actual and necessary traveling expenses of superin-  
tendent and inspectors in the performance of their official duties,  
three thousand seven hundred fifty dollars (\$3,750), or so much  
thereof as may be necessary.

For furniture, books, printing, messages and other necessary  
incidental office expenses, seven hundred fifty dollars (\$750), or  
so much thereof as may be necessary.

For maintenance, transportation and removal of state, non-resi-  
dent and alien poor, thirty thousand dollars (\$30,000), or so  
much thereof as may be necessary.

It shall be the duty of the board in its annual report to the  
legislature to give a complete itemized statement of the expendi-  
tures for state paupers during the preceding fiscal year.

### CIVIL SERVICE COMMISSION.

For salaries:

of the civil service commissioners, nine thousand dollars  
(\$9,000).

For the actual and necessary expenses of the commissioners in  
the performance of their official duty: of the president, seven  
hundred dollars, and of the other commissioners, four hundred  
dollars each (\$1,500), or so much thereof as may be necessary.

### ADMINISTRATION DIVISION.

For salaries:

of the secretary, three thousand six hundred dollars (\$3,600);

of the employees according to grade:

eighth grade, one employee, one thousand seven hundred dol-  
lars (\$1,700);

sixth grade, one employee, one thousand two hundred dollars (\$1,200);  
 fifth grade, one employee, nine hundred dollars (\$900);  
 third grade, one employee, six hundred dollars (\$600);  
 second grade, one employee, four hundred eighty dollars (\$480).

For the actual and necessary traveling expenses of the secretary, in the performance of his official duty, one hundred fifty dollars (\$150), or so much thereof as may be necessary.

For furniture, books, printing, blanks, messages and other necessary incidental office expenses and for expenses incurred in the inspection or investigation of the administration of the law and rules, two thousand five hundred dollars (\$2,500), or so much thereof as may be necessary.

For postage and transportation of letters, official documents and other matter sent by express or freight, including boxes or covering for same, two thousand dollars (\$2,000), or so much thereof as may be necessary.

#### EXAMINATIONS DIVISION.

For salaries:

of the chief examiner, four thousand dollars (\$4,000);  
 of the employees according to grade:  
 ninth grade, one employee, two thousand dollars (\$2,000);  
 seventh grade, one employee, one thousand five hundred dollars (\$1,500);  
 sixth grade, three employees, three thousand four hundred dollars (\$3,400);  
 fifth grade, two employees, one thousand eight hundred dollars (\$1,800);  
 third grade, one employee, six hundred dollars (\$600);  
 first grade, one employee, three hundred sixty dollars (\$360), or so much thereof as may be necessary.

For the actual and necessary traveling expenses of the chief examiner, examiners and stenographer in the performance of their official duties, five hundred dollars (\$500), or so much thereof as may be necessary.

For the expenses of examinations, and compensation of temporary local and expert examiners to be appointed by the commission, ten thousand dollars (\$10,000), or so much thereof as may be necessary.

## DEPARTMENT OF EDUCATION.

## COMMISSIONER'S OFFICE.

For the salaries:

of the commissioner of education, seven thousand five hundred dollars (\$7,500), and for his traveling and other expenses, one thousand five hundred dollars (\$1,500) pursuant to chapter forty, laws of nineteen hundred four.

first assistant commissioner, five thousand dollars (\$5,000);

second assistant commissioner, five thousand dollars (\$5,000);

third assistant commissioner, five thousand dollars (\$5,000);

assistant in elementary education, two thousand seven hundred dollars (\$2,700);

secretary to the commissioner, one thousand eight hundred dollars (\$1,800);

of the employees according to grade:

sixth grade, five employees, five thousand six hundred dollars (\$5,600);

fourth grade, three employees, two thousand one hundred sixty dollars (\$2,160).

## ADMINISTRATION DIVISION.

chief, three thousand dollars (\$3,000);

cashier, two thousand five hundred dollars (\$2,500);

of the employees according to grade:

seventh grade, one employee, one thousand five hundred dollars (\$1,500);

sixth grade, four employees, four thousand six hundred dollars (\$4,600);

fifth grade, three employees, two thousand seven hundred dollars (\$2,700);

fourth grade, one employee, seven hundred twenty dollars (\$720);

third grade, four employees, two thousand four hundred dollars (\$2,400);

second grade, four employees, one thousand nine hundred twenty dollars (\$1,920).



## COMPULSORY ATTENDANCE DIVISION.

chief, three thousand dollars (\$3,000);  
 of the employees according to grade:  
 sixth grade, one employee, one thousand dollars (\$1,000);  
 fifth grade, one employee, nine hundred dollars (\$900);  
 second grade, one employee, four hundred eighty dollars  
 (\$480).

## EXAMINATIONS DIVISION.

chief, four thousand dollars (\$4,000);  
 assistant in charge of teachers' examinations, three thousand  
 dollars (\$3,000);  
 assistant in charge of foreign credentials, two thousand seven  
 hundred dollars (\$2,700);  
 of the employees according to grade:  
 tenth grade, one employee, two thousand four hundred dollars  
 (\$2,400);  
 eighth grade, three employees, five thousand four hundred dol-  
 lars (\$5,400);  
 seventh grade, one employee, one thousand five hundred dollars  
 (\$1,500);  
 sixth grade, thirteen employees, fourteen thousand eight hun-  
 dred dollars (\$14,800);  
 fifth grade, twenty employees, eighteen thousand dollars  
 (\$18,000);  
 fourth grade, ten employees, seven thousand two hundred dol-  
 lars (\$7,200);  
 third grade, twelve employees, seven thousand two hundred  
 dollars (\$7,200);  
 second grade, three employees, one thousand four hundred  
 forty dollars (\$1,440);  
 first grade, one employee, three hundred sixty dollars  
 (\$360), or so much thereof as may be neces-  
 sary.

## INSPECTIONS DIVISION.

chief, three thousand five hundred dollars (\$3,500);  
 one inspector, three thousand dollars (\$3,000);  
 eleven inspectors, twenty-seven thousand five hundred dollars  
 (\$27,500);

of the employees according to grade:

tenth grade, one employee, two thousand four hundred dollars (\$2,400);

ninth grade, one employee, two thousand dollars (\$2,000);

sixth grade, two employees, two thousand two hundred dollars (\$2,200);

fifth grade, one employee, nine hundred dollars (\$900).

#### LAW DIVISION.

chief, three thousand five hundred dollars (\$3,500);

of the employees according to grade:

seventh grade, one employee, one thousand five hundred dollars (\$1,500).

#### DIVISION OF SCHOOL LIBRARIES.

chief, two thousand five hundred dollars (\$2,500);

of the employees according to grade:

tenth grade, one employee, two thousand four hundred dollars (\$2,400);

fifth grade, one employee, nine hundred dollars (\$900).

#### STATISTICS DIVISION.

chief, three thousand dollars (\$3,000);

of the employees according to grade:

sixth grade, two employees, two thousand four hundred dollars (\$2,400);

fifth grade, one employee, nine hundred dollars (\$900);

third grade, two employees, one thousand two hundred dollars (\$1,200);

#### DIVISION OF TRADE SCHOOLS.

chief, three thousand dollars (\$3,000);

of the employees according to grade:

sixth grade, one employee, nine hundred dollars (900).

#### DIVISION OF VISUAL INSTRUCTION.

chief, three thousand dollars (\$3,000);

of the employees according to grade:

ninth grade, one employee, two thousand dollars (\$2,000);

sixth grade, one employee, one thousand two hundred dollars (\$1,200);  
 fifth grade, one employee, nine hundred dollars (\$900);  
 third grade, three employees, one thousand eight hundred dollars (\$1,800);  
 second grade, one employee, four hundred eighty dollars (\$480).

For the purchase, preparation and distribution of apparatus and material used in administering the system of visual instruction under rules and regulations prescribed by the commissioner of education, ten thousand dollars (\$10,000), or so much thereof as may be necessary.

#### THE STATE LIBRARY.

For salaries:

director, five thousand dollars (\$5,000);  
 law librarian, two thousand five hundred dollars (\$2,500);  
 of the employees according to grade:  
 tenth grade, two employees, four thousand eight hundred dollars (\$4,800);  
 ninth grade, one employee, two thousand one hundred dollars (\$2,100);  
 eighth grade, four employees, seven thousand two hundred dollars (\$7,200);  
 seventh grade, four employees, six thousand dollars (\$6,000);  
 sixth grade, ten employees, eleven thousand six hundred dollars (\$11,600);  
 fifth grade, nine employees, eight thousand one hundred dollars (\$8,100);  
 fourth grade, twelve employees, eight thousand six hundred forty dollars (\$8,640);  
 third grade, nine employees, five thousand four hundred dollars (\$5,400);  
 second grade, ten employees, four thousand eight hundred dollars (\$4,800);  
 first grade, six employees, two thousand one hundred sixty dollars (\$2,160), or so much thereof as may be necessary.

For books, serials and binding pursuant to chapter three hundred seventy-eight, laws of eighteen hundred ninety-two, twenty thousand dollars (\$20,000), or so much thereof as may be necessary.



For the state medical library for books, serials and binding pursuant to chapter three hundred seventy-seven, laws of eighteen hundred ninety-one, two thousand dollars (\$2,000), or so much thereof as may be necessary.

For the law library for books, serials and binding, two thousand five hundred dollars (\$2,500), or so much thereof as may be necessary.

For the purchase of books and serials in engineering and technological subjects, \$2,000, or so much thereof as may be necessary.

For books to be loaned free to the blind of the state, two thousand dollars (\$2,000), or so much thereof as may be necessary.

#### LIBRARY SCHOOL.

For salaries:

vice-director, two thousand five hundred dollars (\$2,500);

of the employees according to grade:

seventh grade, one employee, one thousand five hundred dollars (\$1,500);

sixth grade, one employee, one thousand two hundred dollars (\$1,200);

third grade, two employees, one thousand two hundred dollars (\$1,200), or so much thereof as may be necessary.

#### DIVISION OF EDUCATIONAL EXTENSION.

chief, two thousand four hundred dollars (\$2,400);

of the employees according to grade:

eighth grade, one employee, one thousand eight hundred dollars (\$1,800);

seventh grade, two employees, three thousand dollars (\$3,000);

sixth grade, one employee, one thousand two hundred dollars (\$1,200);

fifth grade, one employee, nine hundred dollars (\$900);

fourth grade, two employees, one thousand four hundred forty dollars (\$1,440);

third grade, three employees, one thousand eight hundred dollars (\$1,800);

second grade, four employees, one thousand nine hundred twenty dollars (\$1,920);

first grade, two employees, seven hundred twenty dollars (\$720).

For grants of public money for the benefit of free libraries, in accordance with sections fourteen, forty-seven, forty-eight, and fifty of chapter three hundred seventy-eight, laws of eighteen hundred ninety-two, thirty thousand dollars (\$30,000), or so much thereof as may be necessary.

For traveling libraries and books, including traveling libraries for charitable institutions, six thousand dollars (\$6,000).

#### DIVISION OF SCIENCE.

For salaries:

director, state geologist and paleontologist, five thousand dollars (\$5,000);

of the employees according to grade:

tenth grade, three employees, seven thousand dollars (\$7,000);

ninth grade, one employees, two thousand dollars (\$2,000);

seventh grade, four employees, five thousand seven hundred dollars (\$5,700);

sixth grade, six employees, seven thousand twenty dollars (\$7,020);

fifth grade, four employees, three thousand four hundred eighty dollars (\$3,480);

fourth grade, three employees, two thousand one hundred sixty dollars (\$2,160);

third grade, two employees, one thousand two hundred dollars (\$1,200);

second grade, one employee, four hundred eighty dollars (\$480), or so much thereof as may be necessary.

For the actual and necessary traveling expenses of the director and his assistants in the performance of their official duties, and for necessary services in preserving and increasing the collections of the state museum and for the field operations and scientific investigations, eleven thousand dollars (\$11,000), or so much thereof as may be necessary.

#### TEMPORARY SERVICES.

For temporary services in the several divisions of the education department, except for the division of science and teachers' institutes, ten thousand dollars (\$10,000), or so much thereof as may

be necessary. No payments for temporary services in said department shall be made from any other appropriation in this act, except as herein indicated.

#### POSTAGE, EXPRESS, ETC.

For postage, messages and transportation of letters, official documents, and other matter sent by express or freight, including boxes or coverings for same, twenty-six thousand dollars (\$26,000), or so much thereof as may be necessary.

#### PRINTING.

For payment to academies and union schools designated by registers, and the Arbor Day circular, twenty-six thousand dollars (\$26,000), or so much thereof as may be necessary. No payments for printing for the department of education shall be made from any other appropriation in this act.

#### TRAINING OF TEACHERS.

For actual and necessary traveling expenses incurred in the performance of official duty in the visitation and inspection of common schools, high schools, academies, Indian schools, normal schools, colleges, universities, libraries and other institutions under the supervision of the education department; by the state examinations board and of lectures in the library school, eighteen thousand five hundred dollars (\$18,500), or so much thereof as may be necessary. No payment for traveling expenses for said department except for the division of science, and for teachers' institutes, shall be made from any other appropriation in this act.

#### OFFICIAL EXPENSES AND CARE OF ROOMS.

For services of elevator men, porters, laborers, cleaners, for care of rooms occupied by the department, in the basement, and on the first, third, fourth, fifth, sixth and seventh floors of the capitol, including the state library, ten thousand dollars (\$10,000), or so much thereof as may be necessary.

For rent of malthouse for storage, one thousand two hundred dollars (\$1,200), or so much thereof as may be necessary.

For office fixtures and for furniture and all other necessary incidental expenses, ten thousand eight hundred dollars (\$10,800), or so much thereof as may be necessary, of which nine thousand



seven hundred twenty-nine dollars and fifty-three cents (re. \$9,729.53) is reappropriated from the unexpended balance of the appropriation for salaries for the department made by chapter five hundred seventy-seven, laws of nineteen hundred seven.

#### LECTURERS AT FARMERS' INSTITUTES.

For the services of lecturers and instructors at farmers' institutes to be appointed and directed by the state education department, seven thousand five hundred dollars (\$7,500), or so much thereof as may be necessary. Such appointees shall render such other services to the department throughout the year when not engaged in visiting farmers' institutes as may be required.

#### TEACHERS' INSTITUTES.

For the salaries:

- of five institute conductors, fifteen thousand dollars (\$15,000);
- of a special instructor in drawing, two thousand two hundred dollars (\$2,200);

- of a special instructor in primary work, reading and literature, two thousand dollars (\$2,000);

- of a special instructor in English, one thousand two hundred dollars (\$1,200), or so much thereof as may be necessary.

For actual and necessary traveling expenses and temporary services of additional special instructors at teachers' institutes, city institutes and the university convocation, twenty-five thousand dollars (\$25,000), or so much thereof as may be necessary.

#### TRAINING OF TEACHERS.

. For payment to academies and union schools designated by the commissioner of education for the professional training of teachers, and for the professional training of teachers in cities of the state pursuant to the education law, being chapter twenty-one of the laws of nineteen hundred and nine, one hundred twenty-five thousand dollars (\$125,000). Not more than one hundred and fifteen training classes shall be established by the commissioner of education in any one year. Seven hundred dollars shall be paid to each school maintaining a class of not less than ten pupils in accordance with rules and regulations established by the commissioner of education. The balance of this appropriation after paying said schools for maintaining said train-

ing classes shall be apportioned to the cities of the state which maintain training schools in accordance with rules and regulations established by the commissioner of education ratably according to the aggregate days attendance of the pupils regularly admitted to said training school.

#### MAINTENANCE OF INDIAN SCHOOLS.

For the support of Indian schools, ten thousand dollars (\$10,000), or so much thereof as may be necessary.

#### INDIAN EDUCATION IN NORMAL SCHOOLS.

For the support and education of Indian youth in the state normal and training schools pursuant to provisions of chapter eighty-nine, laws of eighteen hundred fifty-one, six hundred dollars (\$600), or so much thereof as may be necessary.

#### NORMAL SCHOOLS.

For the maintenance of the state normal college and the state normal schools, four hundred fifty-five thousand dollars (\$455,000), or so much thereof as may be necessary, payable on the approval of the commissioner of education as follows:

of the state normal college at Albany, sixty thousand dollars (\$60,000);

of the state normal schools at:

Brockport, thirty-six thousand dollars (\$36,000);

Buffalo, thirty-six thousand dollars (\$36,000);

Cortland, forty-five thousand dollars (\$45,000);

Fredonia, thirty-six thousand dollars (\$36,000);

Geneseo, forty-five thousand dollars (\$45,000);

New Paltz, thirty-six thousand dollars (\$36,000);

Oneonta, forty-five thousand dollars (\$45,000);

Oswego, thirty-eight thousand dollars (\$38,000);

Plattsburgh, thirty-six thousand dollars (\$36,000);

Potsdam, forty-two thousand dollars (\$42,000).

One thousand dollars (\$1,000) shall be allowed to the president of the state normal college in addition to his salary in lieu of the residence heretofore provided and destroyed by fire in nineteen hundred and six and the sum of three hundred dollars (\$300) in addition to salary shall be allowed to the principal of each normal school not provided with a residence by the state.

In addition to the above appropriations fifteen thousand dollars (\$15,000), or so much thereof as may be necessary, is hereby appropriated from the tuition fees and revenues from other sources received by the state treasurer from the several normal schools to be repaid to the schools from which received for their further support and maintenance. No part of the appropriation for the maintenance of normal schools shall be available for insurance of normal school buildings.

#### SCHOOL COMMISSIONERS.

For the salaries of the school commissioners, one hundred fourteen thousand dollars (\$114,000), payable one thousand dollars (\$1,000) to each commissioner in the state.

#### COMMON SCHOOLS.

For the support of the common schools of the state, four million eight hundred thousand dollars (\$4,800,000), or so much thereof as may be necessary, to be apportioned by the commissioner of education as supervision, district and teachers' quotas on the basis provided by title two of the consolidated school law. Before making such apportionment the commissioner of education may set aside not to exceed ten thousand dollars (\$10,000) for a contingent fund.

#### CITIES, ACADEMIES, ACADEMIC DEPARTMENTS AND LIBRARIES.

For the cities, union school districts, academies maintaining academic departments, and public school libraries, six hundred fifty thousand dollars (\$650,000) to be apportioned by the commissioner of education under regulations established by him in the manner directed by chapter six hundred eighty-three, laws of nineteen hundred six, for the apportionment of an appropriation for the same purpose; but in the apportionment of moneys for non-resident pupils attending the academic department of public schools as provided in said chapter, the commissioner of education shall include non-resident pupils from districts not maintaining a four-year curriculum, providing such non-resident pupils shall have completed the course of studies maintained by the district in which they reside; and in such apportionment to cities whose customary charge for non-resident pupils is greater than the sum provided in said chapter, the commissioner of educa-



tion may in his discretion permit the sum so apportioned to be applied upon such customary charge for such non-resident pupils from towns adjacent to such cities, provided the balance of such customary charge shall be assumed by the school district in which such non-resident pupil is resident and the payment thereof shall have been provided for at a school district meeting, held in such district.

The comptroller is hereby authorized to transfer to the general fund to meet the appropriations hereby made for educational purposes, so much of the revenues of the first funds as may be necessary, not to exceed three hundred forty-nine thousand five hundred dollars (\$349,500), as follows:

Common school fund, one hundred seventy-seven thousand dollars (\$177,000).

Literature fund, twelve thousand dollars (\$12,000).

United States deposit fund, one hundred sixty thousand five hundred dollars (\$160,500).

## STATE SUPERINTENDENT OF ELECTIONS.

### FOR THE METROPOLITAN ELECTIONS DISTRICT.

For the salaries:

- of the state superintendent, five thousand dollars (\$5,000);
- chief deputy, four thousand five hundred dollars (\$4,500);
- general counsel, four thousand dollars (\$4,000);
- secretary, two thousand dollars (\$2,000);
- field deputy, two thousand dollars (\$2,000);
- chief clerk, one thousand eight hundred dollars (\$1,800);
- stenographer, one thousand five hundred dollars (\$1,500);
- deputy state superintendents of elections, one hundred fifty thousand dollars (\$150,000), or so much thereof as may be necessary.

For furniture, books, blanks, printing, stationery, messages and other necessary incidental office expenses, twenty-two thousand five hundred dollars (\$22,500), or so much thereof as may be necessary.

## STATE DEPARTMENT OF EXCISE.

For the salaries:

of the state commissioner of excise, seven thousand dollars (\$7,000), and for his actual and necessary traveling expenses in the performance of his official duty, nine hundred dollars (\$900), or so much thereof as may be necessary;

deputy commissioner, five thousand dollars (\$5,000), and for his actual and necessary traveling expenses in the performance of his official duty, two hundred dollars (\$200), or so much thereof as may be necessary;

second deputy commissioner, three thousand five hundred dollars (\$3,500).

For expenses of special agent service, including salaries of sixty special agents, and salary and expenses of special detective service, one hundred sixty thousand dollars (\$160,000), or so much thereof as may be necessary.

For legal expenses, including salaries of attorneys and law stenographers for Albany, New York, Brooklyn and Buffalo offices, and compensation, costs, expenses and disbursements of attorneys under section ten of the liquor tax law, eighty thousand dollars (\$80,000), or so much thereof as may be necessary.

For furniture, books, blanks, binding, printing, stationery, postage transportation of letters and official documents and other matter sent by express or freight, including boxes or covering for same, and other necessary and incidental office expenses, including suboffices, nineteen thousand dollars (\$19,000), or so much thereof as may be necessary.

For paying judgments against the state commissioner of excise, or against any special deputy commissioner of excise or county treasurer, where said judgments were obtained in actions brought or defended by the direction of the state commissioner of excise, five thousand dollars (\$5,000), or so much thereof as may be necessary.

For examination of officers of the special deputy commissioners and county treasurers, four thousand dollars (\$4,000), or so much thereof as may be necessary.

For expense of enumeration and determining amount of excise taxation in several localities, including supervision, four thousand dollars (\$4,000), or so much thereof as may be necessary.

## REBATES.

For the payment of rebates on surrender of liquor tax certificates, under the provisions of the liquor tax law, three hundred thousand dollars (\$300,000), or so much thereof as may be necessary.

## ALBANY OFFICE.

For the salaries:

of the secretary, two thousand dollars (\$2,000);  
financial clerk, one thousand eight hundred dollars (\$1,800);  
chief rebate clerk, two thousand two hundred fifty dollars (\$2,250);  
auditor, two thousand five hundred dollars (\$2,500);  
accountant and special examiner, two thousand five hundred dollars (\$2,500);  
cashier, two thousand seven hundred fifty dollars (\$2,750);

of the employees according to grade:

ninth grade, three employees, six thousand dollars (\$6,000);  
eighth grade, three employees, five thousand two hundred dollars (\$5,200);

seventh grade, six employees, eight thousand eight hundred fifty dollars (\$8,850);

sixth grade, thirteen employees, fifteen thousand one hundred twenty dollars (\$15,120);

fifth grade, six employees, four thousand five hundred dollars (\$4,500);

fourth grade, one employee, seven hundred twenty dollars (\$720);

third grade, one employee, six hundred dollars (\$600), or so much thereof as may be necessary.

## SPECIAL DEPUTY COMMISSIONERS OF EXCISE.

For the one-half part, payable by the state, of the salaries and expenses of the several special deputy commissioners of excise, including office rent and clerical help, office furniture, fixtures and appliances, as provided by section nine of the liquor tax law. to wit:



## BOROUGH OF MANHATTAN AND THE BRONX.

For the salaries:

of the special deputy commissioner, two thousand five hundred dollars (\$2,500);

cashier and bookkeeper, one thousand seven hundred fifty dollars (\$1,750);

first assistant cashier and bookkeeper, one thousand two hundred fifty dollars (\$1,250);

confidential clerk, one thousand dollars (\$1,000);

of the employees according to grade:

ninth grade, one employee, one thousand dollars (\$1,000);

seventh grade, eleven employees, eight thousand two hundred dollars (\$8,200);

fifth grade, one employee, four hundred dollars (\$400), or so much thereof as may be necessary.

For rent, four thousand dollars (\$4,000), or so much thereof as may be necessary.

## BOROUGH OF BROOKLYN.

For the salaries:

of the special deputy commissioner, one thousand eight hundred seventy-five dollars (\$1,875);

cashier, one thousand two hundred fifty dollars (\$1,250);

of the employees according to grade:

ninth grade, two employees, two thousand dollars (\$2,000);

seventh grade, four employees, three thousand dollars (\$3,000);

sixth grade, one employee, six hundred dollars (\$600), or so much thereof as may be necessary.

For rent, one thousand two hundred dollars (\$1,200), or so much thereof as may be necessary.

## BOROUGH OF QUEENS.

For the salary of the special deputy commissioner, one thousand two hundred fifty dollars (\$1,250), and for expenses of his office, including office rent and clerical help, one thousand three hundred fifty dollars (\$1,350), or so much thereof as may be necessary.

## BOROUGH OF RICHMOND.

For the salary of the special deputy commissioner, one thousand dollars (\$1,000), and for expenses of his office, including

office rent and clerical help, four hundred dollars (\$400), or so much thereof as may be necessary.

## COUNTY OF ERIE.

For the salaries:

of the special deputy commissioner, one thousand five hundred dollars (\$1,500);

of the employees according to grade:

ninth grade, two employees, two thousand dollars (\$2,000);

seventh grade, one employee, seven hundred fifty dollars (\$750);

sixth grade, one employee, four hundred eighty dollars (\$480), or so much thereof as may be necessary.

For rent, nine hundred dollars (\$900), or so much thereof as may be necessary.

## COUNTY OF MONROE.

For the salary of the special deputy commissioner, one thousand two hundred fifty dollars (\$1,250), and for the expenses of his office, including office rent and clerical help, three hundred dollars (\$300), or so much thereof as may be necessary.

## COUNTY OF ALBANY.

For the salary of the special deputy commissioner, one thousand dollars (\$1,000), and for the expenses of his office, including office rent and clerical help, three hundred fifty dollars (\$350), or so much thereof as may be necessary.

## COUNTY OF ONONDAGA.

For the salary of the special deputy commissioner, one thousand dollars (\$1,000), and for the expenses of his office, including office rent and clerical help, three hundred dollars (\$300), or so much thereof as may be necessary.

## COUNTY OF ONEIDA.

For the salary of the special deputy commissioner, seven hundred fifty dollars (\$750), and for the expenses of his office, including office rent and clerical help, two hundred fifty dollars (\$250), or so much thereof as may be necessary.

## COUNTY OF RENSSELAER.

For the salary of the special deputy commissioner, seven hundred fifty dollars (\$750), and for the expenses of his office, including office rent and clerical help, three hundred dollars (\$300), or so much thereof as may be necessary.

## COUNTY OF WESTCHESTER.

For the salary of the special deputy commissioner, one thousand two hundred fifty dollars (\$1,250), and for the expenses of his office, including office rent and clerical help, three hundred dollars (\$300), or so much thereof as may be necessary.

## COUNTY OF NIAGARA.

For the salary of the special deputy commissioner, seven hundred fifty dollars (\$750), and for the expenses of his office, including office rent and clerical help, two hundred fifty dollars (\$250), or so much thereof as may be necessary.

## COUNTY OF SCHENECTADY.

For the salary of the special deputy commissioner, from January one, nineteen hundred ten, to September thirty, nineteen hundred ten, five hundred sixty-two dollars fifty cents (\$562.50), and for furnishings and expenses of his office, including office rent and clerical help, two hundred fifty dollars (\$250), or so much thereof as may be necessary.

## FOREST, FISH AND GAME COMMISSION.

For the salaries:

of the commissioner, five thousand dollars (\$5,000);  
deputy commissioner, three thousand dollars (\$3,000);  
and for the actual and necessary traveling expenses of the commissioner and deputy commissioner, in the performance of their official duty, three thousand dollars (\$3,000), or so much thereof as may be necessary;

chief game protector, two thousand five hundred dollars (\$2,500);

of the employees according to grade:

tenth grade, two employees, four thousand six hundred dollars (\$4,600);



ninth grade, one employee, two thousand dollars (\$2,000);  
eighth grade, one employee, one thousand seven hundred dollars (\$1,700);

fifth grade, one employee, nine hundred dollars (\$900), or so much thereof as may be necessary.

For furniture, books, blanks, printing, stationery, messages, postage and transportation of letters, official documents and other matter sent by express or freight, including boxes or covering for same and other necessary and incidental office expenses, eight thousand dollars (\$8,000), or so much thereof as may be necessary.

For printing twenty-five thousand copies of the forest, fish and game law for nineteen hundred eight, pursuant to chapter two hundred eighty-two, laws of nineteen hundred seven, three thousand six hundred dollars (\$3,600), or so much thereof as may be necessary.

#### PROTECTION OF FISH AND GAME.

For the salaries:

of the employees according to grade:

ninth grade, one employee, two thousand dollars (\$2,000);

eighth grade, one employee, one thousand six hundred dollars (\$1,600);

seventh grade, one employee, one thousand four hundred dollars (\$1,400);

sixth grade, three employees, three thousand six hundred dollars (\$3,600);

fifth grade, seventy-five protectors, at nine hundred dollars each, sixty-seven thousand five hundred dollars (\$67,500), or so much thereof as may be necessary, and for the additional compensation of the chief protector or chief assistant while residing in Albany, six hundred dollars (\$600), or so much thereof as may be necessary.

For the expenses of the chief protector, one thousand dollars (\$1,000), for assistant chief protectors, seven hundred fifty dollars each, three thousand dollars (\$3,000), and for the seventy-five protectors, five hundred dollars each, thirty-seven thousand five hundred dollars (\$37,500), or so much thereof as may be necessary.

#### PROPAGATION AND DISTRIBUTION OF FISH.

For the expense and maintenance of fish hatcheries, and hatching stations, and for the propagation and distribution of food and game fish and fry, as follows:

for the Adirondack hatchery, eight thousand dollars (\$8,000);  
 Bath hatchery, seven thousand dollars (\$7,000);  
 Caledonia hatchery, thirteen thousand dollars  
 (\$13,000);  
 Cold Spring harbor hatchery, ten thousand dollars  
 (\$10,000);  
 Delaware hatchery, five thousand dollars (\$5,000);  
 Fulton chain hatchery, three thousand dollars (\$3,000);  
 Linlithgo hatchery, five thousand dollars (\$5,000);  
 Oneida hatchery, seven thousand dollars (\$7,000);  
 Chautauqua hatchery, three thousand dollars (\$3,000).

For collecting and purchasing fish eggs, three thousand dollars (\$3,000), or so much thereof as may be necessary.

For miscellaneous expenses, one thousand dollars (\$1,000), or so much thereof as may be necessary.

For the salary of the fish culturist, three thousand dollars (\$3,000), and for his actual and necessary traveling expenses in the performance of his official duty, nine hundred dollars (\$900), or so much thereof as may be necessary.

#### LEGAL DEPARTMENT.

For the salaries:

one chief attorney, four thousand five hundred dollars (\$4,500);  
 one attorney, two thousand five hundred dollars (\$2,500);  
 two employees, two thousand seven hundred dollars (\$2,700);  
 (one attorney, fifteen hundred dollars, stenographer, twelve hundred dollars).

For furniture, law books, stationery and printing, two hundred fifty dollars (\$250), or so much thereof as may be necessary.

#### MARINE FISHERIES BUREAU.

For the salaries:

of the superintendent, three thousand dollars (\$3,000);  
 ninth grade, two employees, four thousand dollars (\$4,000)  
 (deputy superintendent and engineer, two thousand dollars each);  
 eighth grade, one employee, eighteen hundred dollars (\$1,800);  
 seventh grade, six employees, eight thousand dollars (\$8,000)  
 (one confidential secretary, fifteen hundred dollars, five fisheries protectors, thirteen hundred dollars each);

sixth grade, one stenographer, one thousand two hundred dollars (\$1,200).

And for the expenses of the superintendent of marine fisheries, seven hundred fifty dollars (\$750), the deputy superintendent, seven hundred dollars (\$700), the engineer, seven hundred dollars (\$700), three fisheries protectors, seven hundred fifty dollars each, twenty-two hundred and fifty dollars (\$2,250), two Jamaica bay protectors, four hundred fifty dollars each, nine hundred dollars (\$900).

For rent and necessary incidental office expenses of the marine fisheries bureau, four thousand dollars (\$4,000), or so much thereof as may be necessary.

#### FORESTRY DEPARTMENT.

For the salaries:

of the superintendent of forests, three thousand dollars (\$3,000), and for his actual and necessary traveling expenses in the performance of his official duty, nine hundred dollars (\$900), or so much thereof as may be necessary.

of the employees according to grade:

ninth grade, one employee, two thousand dollars (\$2,000) (assistant superintendent of forests);

eighth grade, three employees, five thousand one hundred dollars (\$5,100) (chief fire warden, eighteen hundred dollars, special agent, sixteen hundred dollars, forester, seventeen hundred dollars);

seventh grade, one employee, fifteen hundred dollars (\$1,500) (forester);

sixth grade, three employees, three thousand four hundred dollars (\$3,400) (stenographer, twelve hundred dollars, one forester, twelve hundred dollars, one forester, one thousand dollars);

fifth grade, five employees, four thousand five hundred dollars (\$4,500) (five inspectors, nine hundred dollars each).

And for the expenses of the assistant superintendent of forests, nine hundred dollars (\$900), the chief fire warden nine hundred dollars (\$900), four foresters, four hundred fifty dollars each,



one thousand eight hundred dollars (\$1,800), and five inspectors, four hundred fifty dollars each, two thousand two hundred fifty dollars (\$2,250).

For the purpose of reforesting burned or denuded lands in the forest preserve, and for preparing and distributing instructive pamphlets on forestry subjects, and for establishing additional nurseries for the propagation of forest trees, to be furnished to citizens of the state at cost, to be planted under the direction and regulation of the forest, fish and game commission, ten thousand dollars (\$10,000), or so much thereof as may be necessary.

### HEALTH DEPARTMENT.

For the salaries:

of the commissioner of health, four thousand five hundred dollars (\$4,500); and for his actual and necessary traveling expenses in the performance of his official duty, one thousand five hundred dollars (\$1,500), or so much thereof as may be necessary;

secretary, three thousand dollars (\$3,000);

of the employees according to grade:

tenth grade, one employee, two thousand four hundred dollars (\$2,400);

seventh grade, one employee, one thousand five hundred dollars (\$1,500);

sixth grade, one employee, one thousand eighty dollars (\$1,080);

second grade, one employee, four hundred eighty dollars (\$480).

### DIVISION OF SANITARY ENGINEERING.

For the salaries:

of the consulting engineers, four thousand five hundred dollars (\$4,500);

assistant consulting engineer, two thousand four hundred dollars (\$2,400);

two assistant sanitary engineers, three thousand dollars (\$3,000), or so much thereof as may be necessary.

of the employees according to grade:

sixth grade, one employee, one thousand eighty dollars (\$1,080).

For the purchase of instruments, maps, and for necessary and incidental office expenses, one thousand dollars (\$1,000), or so much thereof as may be necessary.

#### DIVISION OF VITAL STATISTICS.

of the employees according to grade:

seventh grade, three employees, four thousand five hundred dollars (\$4,500);

sixth grade, one employee, one thousand two hundred dollars (\$1,200);

fifth grade, two employees, one thousand eight hundred dollars (\$1,800);

fourth grade, two employees, one thousand four hundred forty dollars (\$1,440);

third grade, two employees, one thousand two hundred dollars (\$1,200), or so much thereof as may be necessary.

#### DIVISION OF COMMUNICABLE DISEASES.

of the medical expert on contagious diseases, one thousand five hundred dollars (\$1,500);

of the employees according to grade:

fifth grade, two employees, one thousand eight hundred dollars (\$1,800).

#### ANTITOXIN LABORATORY.

For the actual and necessary expenditures for the manufacture and standardization of tetanus, streptococcus and diphtheria antitoxin, for the proper distribution of the same in antiseptic tubes, and for further investigations of serum therapy in tuberculosis, typhoid fever and kindred diseases, eighteen thousand dollars (\$18,000), or so much thereof as may be necessary.

#### HYGIENIC LABORATORY.

For the actual and necessary expenses of equipment and maintenance of the state hygienic laboratory and for the services of the Bender laboratory, ten thousand dollars (\$10,000), or so much thereof as may be necessary.

For the actual and necessary traveling expenses of subordinates of the department of health in the performance of their official

duty pursuant to the written direction of the commissioner, five thousand dollars (\$5,000), or so much thereof as may be necessary.

For services and expenses of experts and stenographers in examinations and investigations, and for the expense of the annual conference of health officers, seven thousand five hundred dollars (\$7,500), or so much thereof as may be necessary.

For furniture, books, blanks, binding, printing, messages and other necessary and incidental office expenses, seven thousand five hundred dollars (\$7,500), or so much thereof as may be necessary.

For postage, and transportation of letters, official documents, and other matter sent by express or freight, including boxes or covering for same, four thousand dollars (\$4,000), or so much thereof as may be necessary.

#### STATE DEPARTMENT OF HIGHWAYS.

##### PAYABLE FROM THE HIGHWAY FUND.

For the salaries:

- of the commission, sixteen thousand dollars (\$16,000);
- two deputies, seven thousand dollars (\$7,000);
- secretary, three thousand five hundred dollars (\$3,500);
- six division engineers, eighteen thousand dollars (\$18,000);
- employees in the office of the commission and the several division engineers' offices, fifty thousand dollars (\$50,000);
- for the traveling expenses of the commissioners and other employees, as provided by law, ten thousand dollars (\$10,000);
- for postage, printing, blanks, office supplies, express, telephone and telegraph charges, and rents, twenty thousand dollars (\$20,000);
- for the salaries of district superintendents, ten thousand dollars (\$10,000), or so much thereof as may be necessary.

#### STATE HISTORIAN.

For the salaries:

- of the state historian, four thousand five hundred dollars (\$4,500);
- of the employees according to grade:
- seventh grade, one employee, one thousand five hundred dollars (\$1,500);



sixth grade, one employee, one thousand two hundred dollars (\$1,200);

second grade, one employee, three hundred eighty-four dollars (\$384).

For extra clerical services, furniture, books, blanks, printing, stationery, maps, messages and other necessary and incidental office expenses, seven hundred fifty dollars (\$750), or so much thereof as may be necessary.

### INSURANCE DEPARTMENT.

For the salaries:

of the superintendent of insurance, seven thousand dollars (\$7,000), and for his actual and necessary traveling expenses in the performance of his official duty, one thousand two hundred fifty dollars (\$1,250), or so much thereof as may be necessary;

first deputy superintendent of insurance, five thousand dollars (\$5,000), and for his actual and necessary traveling expenses in the performance of his official duty, one thousand dollars (\$1,000), or so much thereof as may be necessary;

second deputy superintendent of insurance, four thousand five hundred dollars (\$4,500);

counsel, five thousand dollars (\$5,000);

actuary, four thousand five hundred dollars (\$4,500);

first assistant actuary, three thousand two hundred dollars (\$3,200);

registrar, two thousand five hundred dollars (\$2,500);

chief clerk and acting third deputy, three thousand six hundred dollars (\$3,600);

cashier and tax clerk, three thousand five hundred dollars (\$3,500);

of the employees according to grade:

tenth grade, two employees, four thousand eight hundred dollars (\$4,800);

ninth grade, two employees, four thousand dollars (\$4,000);

eighth grade, three employees, five thousand four hundred dollars (\$5,400);

seventh grade, twenty-five employees, thirty-seven thousand five hundred dollars (\$37,500);

sixth grade, twelve employees, thirteen thousand five hundred dollars (\$13,500);

fifth grade, one employees, nine hundred dollars (\$900), or so much thereof as may be necessary.

For rent of branch office, New York city, three thousand dollars (\$3,000), or so much thereof as may be necessary.

For printing and binding insurance reports, four thousand dollars (\$4,000), or so much thereof as may be necessary.

For furniture, books, blanks, printing, stationery, messages, postage and transportation of letters, official documents and other matter sent by express or freight including boxes or covering for same and necessary and incidental office expenses, including New York office, fourteen thousand dollars (\$14,000), or so much thereof as may be necessary.

For the actual and necessary traveling expenses of the department employees in the performance of their official duty, three thousand four hundred ninety-one dollars (\$3,491).

For expenses of computation, compilation and publication of new valuation tables for valuations and other incidental expenses connected therewith to carry into effect the provisions of section eighty-four of the insurance law, three thousand dollars (\$3,000).

For the salary of the auditor and assistant actuary, New York city, five thousand dollars (\$5,000).

For expert appraiser, New York city office, four thousand dollars (\$4,000), or so much thereof as may be necessary.

The following appropriations to be collected from and refunded to the treasury by the corporations under examination when disbursements therefrom are in consequence of services at or in connection with such examination:

For the salaries:

of the examiner of life insurance companies, not to exceed five thousand dollars (\$5,000);

examiner of casualty and miscellaneous insurance companies not to exceed four thousand five hundred dollars (\$4,500);

examiner of fire and marine insurance companies not to exceed four thousand five hundred dollars (\$4,500);

three assistant examiners, nine thousand dollars (\$9,000);

twenty-eight assistant examiners, twenty-three thousand dollars (\$23,000).

For services and expenses of department appraisers in the state, for services and expenses of appraisers and examiners designated

in other states, for services and expenses of counsel and for expenses of examiners in connection with examination of insurance companies and for extra temporary services when required, twenty-six thousand dollars (\$26,000).

## DEPARTMENT OF LABOR.

For the salaries:

- of the commissioner, five thousand dollars (\$5,000);
- first deputy commissioner, three thousand dollars (\$3,000);
- second deputy commissioner, three thousand dollars (\$3,000);
- assistant first deputy commissioner or assistant factory inspector, two thousand four hundred dollars (\$2,400);
- second assistant first deputy commissioner or assistant factory inspector, two thousand dollars (\$2,000);
- counsel or assistant second deputy commissioner, two thousand four hundred dollars (\$2,400);
- mediator of industrial disputes, two thousand five hundred dollars (\$2,500);
- chief statistician, two thousand seven hundred dollars (\$2,700);
- mercantile inspector, two thousand dollars (\$2,000);
- of the employees according to grade:
  - tenth grade, three employees, seven thousand two hundred dollars (\$7,200);
  - eighth grade, three employees, five thousand three hundred dollars (\$5,300);
  - seventh grade, seventeen employees, twenty-four thousand eight hundred eighty dollars (\$24,880);
  - sixth grade, sixty-six employees, seventy-six thousand four hundred dollars (\$76,400);
  - fifth grade, six employees, five thousand four hundred dollars (\$5,400);
  - fourth grade, three employees, two thousand one hundred sixty dollars (\$2,160), or so much thereof as may be necessary;
  - first grade, one employee, three hundred sixty dollars (\$360).



For the actual and necessary traveling expenses of the commissioner, in the performance of his official duty, one thousand five hundred dollars (\$1,500), or so much thereof as may be necessary.

For the actual and necessary traveling expenses of officials and employees of the department in the performance of their official duty under the direction of the commissioner, thirty-four thousand dollars (\$34,000), or so much thereof as may be necessary.

For printing, including the expense of publishing bulletins, seven thousand dollars (\$7,000), or so much thereof as may be necessary.

For furniture, books, blanks, stationery, messages, postage and transportation of letters, official documents and other matter sent by express or freight, including boxes or covering for same, and other necessary and incidental office expenses, eleven thousand dollars (\$11,000), or so much thereof as may be necessary.

For purchase of reports and materials for the bulletins and annual reports of the department, one thousand dollars (\$1,000), or so much thereof as may be necessary.

#### LAND OFFICE.

For valuations, assessments and other actual and necessary expenses incurred in administering the laws relating to public lands, six thousand dollars (\$6,000), or so much thereof as may be necessary.

#### STATE COMMISSION IN LUNACY.

For the salaries:

of the medical commissioner, seven thousand five hundred dollars (\$7,500);

legal commissioner, five thousand dollars (\$5,000);

lay commissioner, five thousand dollars (\$5,000);

medical inspector, five thousand five hundred dollars (\$5,500);

secretary, five thousand dollars (\$5,000);

auditor of state hospital estimates, four thousand dollars (\$4,000);

of the employees according to grade:

ninth grade, one employee, two thousand dollars (\$2,000);

eighth grade, one employee, one thousand eight hundred dollars (\$1,800);

seventh grade, three employees, four thousand five hundred dollars (\$4,500);

sixth grade, two employees, one thousand two hundred dollars each (\$2,400);

fourth grade, one employee, seven hundred dollars (\$700);

second grade, one employee, four hundred twenty dollars (\$420), or so much thereof as may be necessary.

For temporary clerical and expert services, two thousand dollars (\$2,000), or so much thereof as may be necessary.

For the traveling and incidental expenses of the three commissioners, one thousand two hundred dollars each (\$3,600), pursuant to section three of the insanity law.

For engineering services, as required, one thousand five hundred dollars (\$1,500), or so much thereof as may be necessary.

For the actual and necessary traveling expenses of the medical inspector, in the performance of his official duty, one thousand dollars (\$1,000), or so much thereof as may be necessary.

For the deportation of alien and non-resident lunatics to other countries and states, one thousand dollars (\$1,000); and for the transfer of patients from one hospital to another, seven thousand six hundred dollars (\$7,600), or so much thereof as may be necessary.

For the salaries of the members of the board of alienists appointed under chapter three hundred twenty-six, laws of nineteen hundred four, fifteen thousand dollars (\$15,000); and for the actual and necessary expenses of the members of said board in the performance of their official duties, one thousand fifty dollars (\$1,050); and for the services of interpreters, one thousand dollars (\$1,000), or so much thereof as may be necessary.

For compensation and actual and necessary traveling expenses of special agents, in the performance of their official duty, eight thousand dollars (\$8,000), or so much thereof as may be necessary.

For furniture, books, blanks, printing, stationery, messages, postage and transportation of letters, official documents and other matter sent by express or freight, including boxes or covering for same, and other necessary and incidental office expenses, five thousand five hundred dollars (\$5,500), or so much thereof as may be necessary.

For the maintenance of a pathological institute under the direction of the state commission in lunacy, pursuant to the insanity law and under the further provisions relating thereto contained in chapter five hundred ninety-eight, laws of nineteen hundred three, thirty thousand dollars (\$30,000), or so much thereof as may be necessary.

#### UTICA STATE HOSPITAL.

For the maintenance of the Utica State Hospital, two hundred forty-one thousand two hundred thirty-five dollars (\$241,235), or so much thereof as may be necessary.

#### WILLARD STATE HOSPITAL.

For the maintenance of the Willard State Hospital, three hundred eighty-five thousand one hundred eighty-three dollars (\$385,183), or so much thereof as may be necessary.

#### HUDSON RIVER STATE HOSPITAL.

For the maintenance of the Hudson River State Hospital, five hundred nineteen thousand five hundred eighty-three dollars (\$519,583), or so much thereof as may be necessary.

#### MIDDLETOWN STATE HOMEOPATHIC HOSPITAL.

For the maintenance of the Middletown State Homeopathic Hospital, three hundred twenty thousand five hundred twenty-two dollars (\$320,522), or so much thereof as may be necessary.

#### BUFFALO STATE HOSPITAL.

For the maintenance of the Buffalo State Hospital, three hundred thirty-two thousand nine hundred eighty-seven dollars (\$332,987), or so much thereof as may be necessary.

#### BINGHAMTON STATE HOSPITAL.

For the maintenance of the Binghamton State Hospital, three hundred ninety-five thousand eight hundred forty-five dollars (\$395,845), or so much thereof as may be necessary.

#### SAINT LAWRENCE STATE HOSPITAL.

For the maintenance of the Saint Lawrence State Hospital, three hundred twenty-five thousand nine hundred fifty-eight dollars (\$325,958), or so much thereof as may be necessary.



## ROCHESTER STATE HOSPITAL.

For the maintenance of the Rochester State Hospital, two hundred fifty thousand five hundred thirteen dollars (\$250,513), or so much thereof as may be necessary.

## GOWANDA STATE HOMEOPATHIC HOSPITAL.

For the maintenance of the Gowanda State Homeopathic Hospital, one hundred eighty-eight thousand six hundred fifty-eight dollars (\$188,658), or so much thereof as may be necessary.

## KINGS PARK STATE HOSPITAL.

For the maintenance of the Kings Park State Hospital, four hundred eighty-nine thousand two hundred eighteen dollars (\$489,218), or so much thereof as may be necessary.

## LONG ISLAND STATE HOSPITAL.

For the maintenance of the Long Island State Hospital, one hundred forty-seven thousand six hundred nine dollars (\$147,609), or so much thereof as may be necessary.

## MANHATTAN STATE HOSPITAL.

For the maintenance of the Manhattan State Hospital, six hundred sixty-seven thousand two hundred eighty-six dollars (\$667,286), or so much thereof as may be necessary.

## CENTRAL ISLIP STATE HOSPITAL.

For the maintenance of the Central Islip State Hospital, five hundred eighty-three thousand four hundred forty-nine dollars (\$583,449), or so much thereof as may be necessary.

## NATIONAL GUARD.

For the salaries:

of the adjutant-general, five thousand five hundred dollars (\$5,500);

for three assistant adjutants-general, two of the grade of colonel, one of the grade of lieutenant-colonel, and a military storekeeper, grade of captain, ten thousand three hundred dollars (\$10,300);

of the employees according to grade:

ninth grade, one employee, two thousand one hundred dollars (\$2,100);  
 eighth grade, four employees, six thousand eight hundred dollars (\$6,800);  
 seventh grade, seven employees, eight thousand eight hundred dollars (\$8,800);  
 sixth grade, four employees, three thousand eight hundred sixty dollars (\$3,860);  
 fifth grade, four employees, three thousand two hundred dollars (\$3,200);  
 fourth grade, eight employees, five thousand seven hundred sixty dollars (\$5,760);  
 of the officers on the staff of the major-general commanding division national guard;  
 adjutant-general, grade of lieutenant-colonel, two thousand five hundred dollars (\$2,500);  
 inspector-general, grade of lieutenant-colonel, two thousand five hundred dollars (\$2,500);  
 inspector-general, grade of lieutenant-colonel, five hundred dollars (\$500);  
 lieutenant-colonel, ordnance department, two thousand five hundred dollars (\$2,500);  
 major, ordnance department, two thousand dollars (\$2,000);

of the employees according to grade:

seventh grade, two employees, three thousand dollars (\$3,000);  
 fifth grade, one employee, nine hundred dollars (\$900), or so much thereof as may be necessary.

For allowances to headquarters of brigades, regiments, battalions and squadrons, thirty-four thousand nine hundred dollars (\$34,900), or so much thereof as may be necessary.

For allowances to officers to assist in uniforming and equipping themselves and for organizations for the purpose of defraying necessary military expenses, one hundred seventy-five thousand dollars (\$175,000), or so much thereof as may be necessary.

For payment of pensions to the members of the national guard and naval militia and their care when injured or disabled in service and for the expense of examination of claims for pensions, ten thousand dollars (\$10,000), or so much thereof as may be necessary.

For postage and transportation of letters, official documents or other matters sent by express or freight, including boxes or covering for same, for the adjutant-general, one thousand dollars (\$1,000); and for the headquarters division, national guard, five hundred dollars (\$500), or so much thereof as may be necessary.

For the actual and necessary expenses of the national guard and the office of the adjutant-general, two hundred fifty thousand dollars (\$250,000), or so much thereof as may be necessary.

#### NAVAL MILITIA.

For allowance to assist the headquarters of the naval militia and battalions, two thousand four hundred dollars (\$2,400), or so much thereof as may be necessary.

For allowance to officers to assist in uniforming and equipping themselves and organizations for the purpose of defraying necessary military expenses, six thousand six hundred dollars (\$6,600), or so much thereof as may be necessary.

For other actual and necessary expenses of the naval militia, to be expended in accordance with the military law, twenty-five thousand dollars (\$25,000), or so much thereof as may be necessary.

#### MILITARY RECORD FUND.

For the adjutant-general, for the expenses of the bureau of military records, payable from the revenue of the military record fund, two thousand dollars (\$2,000), or so much thereof as may be necessary.

#### NIAGARA RESERVATION.

For the salaries:

of the superintendent, two thousand four hundred dollars (\$2,400);

watchmen, janitors, scrub-woman and janitors' supplies, three thousand dollars (\$3,000), or so much thereof as may be necessary.

police, ticket-men and caretakers, eight thousand eight hundred dollars (\$8,800), or so much thereof as may be necessary.

For the commissioners' actual and necessary expenses in the performance of their official duty, superintendent's office expenses and actual and necessary traveling expenses in the performance



of his official duty and for postage, messages and express charges, one thousand six hundred dollars (\$1,600), or so much thereof as may be necessary.

For salaries of foremen, teamsters, laborers and other employees as required, and the purchase of materials, tools, lights, fuel and other necessary and incidental expenses, fifteen thousand dollars (\$15,000), or so much thereof as may be necessary.

### STATE COMMISSION OF PRISONS.

For compensation of the commissioners, three thousand dollars (\$3,000), or so much thereof as may be necessary.

For the salaries:

of the secretary, three thousand dollars (\$3,000);

of the employees according to grade:

eighth grade, one employee, one thousand eight hundred dollar (\$1,800);

sixth grade, two employees, two thousand two hundred dollars (\$2,200).

For the actual and necessary traveling expenses of the commissioners and secretary in the performance of their official duty, two thousand five hundred dollars (\$2,500); and for furniture, books, blanks, printing, stationery, messages, postage and transportation of letters, official documents and other matter sent by express or freight, including boxes or covering for same, and other necessary and incidental office expenses, two thousand dollars (\$2,000), or so much thereof as may be necessary.

For the actual and necessary traveling expenses of the inspector, five hundred dollars (\$500), or so much thereof as may be necessary.

### PRISON DEPARTMENT.

For the salaries:

of the superintendent of state prisons, six thousand dollars (\$6,000);

superintendent's clerk, four thousand dollars (\$4,000);

of the employees according to grade:

tenth grade, one employee, two thousand four hundred dollars (\$2,400);

seventh grade, three employees, three thousand nine hundred dollars (\$3,900);

sixth grade, four employees, four thousand dollars (\$4,000).

For the actual and necessary traveling expenses of the superintendent and his clerks, in the performance of their official duty, two thousand dollars (\$2,000), or so much thereof as may be necessary.

For furniture, books, blanks, printing, stationery, messages, postage and transportation of letters, official documents and other matter sent by express or freight, including boxes or covering for same, and other necessary and incidental office expenses, two thousand dollars (\$2,000), or so much thereof as may be necessary.

For the support and maintenance of the several state prisons pursuant to chapter three hundred eighty-two, laws of eighteen hundred eighty-nine, and for the ordinary repairs thereof and supplying water therefor, the following sums, or so much thereof as may be necessary.

For Sing Sing prison, two hundred thousand dollars (\$200,000), or so much thereof as may be necessary.

For Auburn prison, one hundred eighty-five thousand dollars (\$185,000), or so much thereof as may be necessary.

For Clinton prison, one hundred eighty-five thousand dollars (\$185,000), or so much thereof as may be necessary.

For the state prison for women at Auburn, pursuant to chapter three hundred six, laws of eighteen hundred ninety-three, and for the transportation of women prisoners, twenty-two thousand five hundred dollars (\$22,500), or so much thereof as may be necessary.

For the actual and necessary traveling expenses of the parole officers in the performance of their official duty, and for rewards for delinquent paroled prisoners, two thousand five hundred dollars (\$2,500), or so much thereof as may be necessary.

#### DANNEMORA HOSPITAL FOR INSANE CONVICTS.

For the support and maintenance of the Dannemora hospital for insane convicts, ninety-three thousand dollars (\$93,000), or so much thereof as may be necessary, but the salary of no officer in this institution shall exceed the salary fixed by the schedule of the lunacy commission for like position.

#### MATTEAWAN STATE HOSPITAL FOR INSANE CRIMINALS.

For the support and maintenance of Matteawan state hospital for insane criminals, one hundred fifty-six thousand dollars

(\$156,000), or so much thereof as may be necessary, but the salary of no officer in this institution shall exceed the salary fixed by the schedule of the lunacy commission for like position.

#### COMPENSATION OF SHERIFFS.

For compensation of sheriffs for the transportation of convicts to prisons, asylums for insane criminals, penitentiaries, houses of refuge and reformatories, eighteen thousand dollars (\$18,000), or so much thereof as may be necessary.

#### MAINTENANCE OF CONVICTS.

For maintenance of convicts sentenced to penitentiaries, in pursuance to chapter one hundred fifty-eight, laws of eighteen hundred fifty-six, chapter five hundred eighty-four, laws of eighteen hundred sixty-five, chapter six hundred sixty-seven, laws of eighteen hundred sixty-six, chapter five hundred seventy-four, laws of eighteen hundred sixty-nine, chapter two hundred forty-seven, laws of eighteen hundred seventy-four, chapter five hundred seventy-one, laws of eighteen hundred seventy-five, chapter four hundred ninety, laws of eighteen hundred eighty-five, chapter one hundred fifteen, laws of eighteen hundred ninety-one, and chapter five hundred eighty-seven, laws of eighteen hundred ninety-two, sixty thousand dollars (\$60,000), or so much thereof as may be necessary.

#### BOARD OF PAROLE FOR STATE PRISONS.

For compensation of the two members other than the superintendent of prisons at the rate of eighteen hundred dollars per annum each, three thousand six hundred dollars (\$3,600).

#### PAYABLE FROM THE CAPITAL FUND.

For the salaries:

- of one sales agent, four thousand dollars (\$4,000);
- one clerk, manufacturing department, three thousand six hundred dollars (\$3,600);
- two superintendents of industries, seven thousand two hundred dollars (\$7,200), or so much thereof as may be necessary;
- one superintendent of industries, two thousand five hundred dollars (\$2,500);
- one assistant superintendent of industries, one thousand eight hundred dollars (\$1,800);



one master mechanic, three thousand dollars (\$3,000);  
 one financial agent, New York city, two thousand four hundred dollars (\$2,400);  
 one financial agent, Sing Sing, one thousand eight hundred dollars (\$1,800);  
 two foremen, four thousand eight hundred dollars (\$4,800),  
 or so much thereof as may be necessary;  
 of the employees according to grade:  
 ninth grade, three employees, six thousand one hundred dollars (\$6,100);  
 eighth grade, three employees, five thousand four hundred dollars (\$5,400);  
 seventh grade, seven employees, nine thousand nine hundred dollars (\$9,900);  
 sixth grade, twenty-two employees, twenty-eight thousand four hundred dollars (\$28,400);  
 fifth grade, forty-two employees, thirty-five thousand seven hundred sixty dollars (\$35,760);  
 third grade, two employees, one thousand two hundred dollars (\$1,200);  
 first grade, four employees, one thousand two hundred dollars (\$1,200), or so much thereof as may be necessary.

No other salaries or compensation for services shall be paid from the capital fund except as above provided.

#### PRINTING.

For legislative printing of the state, two hundred fifty thousand dollars (\$250,000), or so much thereof as may be necessary, and the comptroller is authorized to pay from said amount for the services of an expert printer to examine all the accounts for printing, and who shall also act as chief clerk of the printing board, a sum not to exceed two thousand seven hundred dollars (\$2,700) per annum.

#### SESSION LAWS AND OFFICIAL CANVASS.

For the publication of the session laws and the official canvass and official notices provided by law, which are subjects of contract, seventy-five thousand dollars (\$75,000), or so much thereof as may be necessary.

## PUBLICATION OF GENERAL LAWS.

For the payment of newspapers in the various counties in this state for the publication of the general laws of the state pursuant to chapter seven hundred fifteen, laws of eighteen hundred ninety-two, one hundred fifty thousand dollars (\$150,000), or so much thereof as may be necessary.

## STATE PROBATION COMMISSION.

For the salaries:

of the secretary, three thousand dollars (\$3,000);

of the employees according to grade:

seventh grade, one employee, one thousand five hundred dollars (\$1,500);

sixth grade, one employee, one thousand two hundred dollars (\$1,200);

fourth grade, one employee, seven hundred twenty dollars (\$720);

for temporary help, fifty dollars (\$50), or so much thereof as may be necessary.

For traveling expenses of the commissioners, secretary and other employees, while engaged in the discharge of their official duties, one thousand five hundred dollars (\$1,500), or so much thereof as may be necessary.

For furniture, books, blanks, stationery, printing, messages, postage and transportation of letters, official documents and other matter sent by express or freight, including boxes or covering for the same, and other necessary and incidental office expenses, two thousand five hundred dollars (\$2,500), or so much thereof as may be necessary.

## DEPARTMENT OF PUBLIC BUILDINGS.

For the salaries:

of the superintendent, five thousand dollars (\$5,000);

deputy superintendent, three thousand five hundred dollars (\$3,500);

chief engineer, two thousand four hundred dollars (2,400);

chief orderly, one thousand five hundred dollars (\$1,500);

chief of the state hall division (janitor), one thousand two hundred dollars (\$1,200);

chief of the agricultural and geological hall division (janitor), one thousand two hundred dollars (\$1,200);  
 chief of the machinery division (machinist and locksmith), one thousand two hundred dollars (\$1,200);  
 chief of the stone and tile division (stone and tile setter), one thousand two hundred dollars (\$1,200);  
 chief of the carpentry division (chief carpenter), one thousand dollars (\$1,000);  
 chief of the upholstery division (upholsterer), nine hundred dollars (\$900);  
 chief of the carpet and shade division (carpet and shade-maker), nine hundred dollars (\$900);  
 chief of the painting division (painter), nine hundred dollars (\$900);  
 chief of Kingston senate house division (janitor), six hundred dollars (\$600);

of the clerical force, as follows:

ninth grade, two employees, four thousand dollars (\$4,000);  
 seventh grade, one employee, one thousand five hundred dollars (\$1,500);  
 sixth grade, three employees, three thousand six hundred dollars (\$3,600), or so much thereof as may be necessary.

For the services of orderlies, watchmen, engineers, firemen, carpenters, machinists, electricians, mechanics, cleaners, laborers, porters and other necessary employees in the care and maintenance of the public buildings, one hundred eight thousand five hundred dollars (\$108,500), or so much thereof as may be necessary.

For furniture, repairs, coal, fuel, water, machinery, fixtures, appliances, supplies and other necessary and incidental expenses, fifty thousand dollars (\$50,000), or so much thereof as may be necessary.

## DEPARTMENT OF PUBLIC WORKS.

### PAYABLE FROM THE CANAL FUND.

For the salaries:

of the superintendent of public works, six thousand dollars (\$6,000); deputy superintendent, five thousand dollars (\$5,000); three assistant superintendents, nine thousand dollars (\$9,000);

financial clerk, three thousand six hundred dollars



(\$3,600); assistant financial clerk, two thousand seven hundred dollars (\$2,700);  
 of the employees according to grade:  
 eighth grade, two employees, three thousand four hundred dollars (\$3,400);  
 seventh grade, three employees, four thousand three hundred dollars (\$4,300);  
 sixth grade, five employees, five thousand six hundred dollars (\$5,600);  
 fifth grade, four employees, three thousand six hundred dollars (\$3,600);  
 first grade, one employee (janitress), one hundred forty-four dollars (\$144), or so much thereof as may be necessary.

For the actual and necessary traveling expenses of the assistant superintendents of public works, in the performance of their official duty, one thousand five hundred dollars (\$1,500), or so much thereof as may be necessary; and for additional clerk hire, and necessary and incidental office expenses of the superintendent and assistant superintendents of public works, collectors and inspectors, nine thousand five hundred dollars (\$9,500), or so much thereof as may be necessary.

For the actual and necessary traveling expenses of the superintendent in the performance of his official duty, two thousand dollars (\$2,000), or so much thereof as may be necessary, and of the deputy superintendent of public works, one thousand dollars (\$1,000), or so much thereof as may be necessary.

For the salaries:

of seventeen section superintendents, twenty-six thousand dollars (\$26,000);

tenth grade, one employee, two thousand two hundred dollars (\$2,200);

ninth grade, one employee, two thousand dollars (\$2,000);

of the collectors and compilers of statistics relating to the trade and tonnage of the canals during the season of navigation, eight thousand twenty-five dollars (\$8,025), comprising two collectors at one hundred twenty-five dollars each per month, five collectors at one hundred dollars each per month, and four collectors at eighty dollars each per month;

collectors, clerks and inspectors and measurers of boats, seven thousand two hundred thirty-eight dollars .

(\$7,238), comprising three clerks at eighty dollars each per month, five clerks at seventy-five dollars each per month, and five clerks at seventy dollars each per month.

For the payment of the expenses of lock-tending and the ordinary repairs of the canals of the state, eight hundred thousand dollars (\$800,000), or so much thereof as may be necessary.

For the compensation of gate tenders of the state dams upon the Beaver and Moose rivers, as provided by chapter one hundred sixty-eight, laws of eighteen hundred ninety-four, one thousand one hundred dollars (\$1,100), or so much thereof as may be necessary, to be paid by the comptroller on the certificate of the commissioners appointed under said act, or a majority thereof.

#### PAYABLE FROM THE GENERAL FUND.

For the compensation of the tender and for the maintenance and operation of the draw-bridge over Minisceongo creek, Rockland county, five hundred dollars (\$500), or so much thereof as may be necessary, on the certificate of the superintendent of public works.

For the operation, maintenance and repair of the draw-bridge known as Drake's draw-bridge, spanning Wappinger creek, in the village of New Hamburg, county of Dutchess, as provided by chapter two hundred thirty-nine, laws of eighteen hundred ninety-two, four hundred dollars (\$400), or so much thereof as may be necessary.

#### STEAM VESSEL INSPECTION.

For the salaries of the inspectors of steam vessels, six thousand dollars (\$6,000).

For their necessary traveling expenses, and for the supplies necessary for the performance of said duties, two thousand dollars (\$2,000), or so much thereof as may be necessary, pursuant to chapter five hundred ninety-two, laws of eighteen hundred ninety-seven.

#### PUBLIC SERVICE COMMISSION, FIRST DISTRICT.

For the salaries:

of the commissioners, seventy-five thousand dollars (\$75,000);

of the counsel to the commission, ten thousand dollars (\$10,000);

secretary to the commission, six thousand dollars (\$6,000).

## PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

For the salaries:

of the commissioners, seventy-five thousand dollars (\$75,000);  
counsel to the commission, ten thousand dollars (\$10,000);  
secretary to the commission, six thousand dollars (\$6,000);

of the employees according to grade:

twelfth grade, ten employees, forty thousand dollars (\$40,000);  
eleventh grade, nine employees, twenty-five thousand dollars (\$25,000);  
ninth grade, eight employees, sixteen thousand dollars (\$16,000);  
eighth grade, five employees, nine thousand dollars (\$9,000);  
seventh grade, twelve employees, seventeen thousand dollars (\$17,000);  
sixth grade, twenty-five employees, thirty thousand dollars (\$30,000);  
fifth grade, twenty employees, eighteen thousand dollars (\$18,000);  
fourth grade, six employees, four thousand three hundred twenty dollars (\$4,320);  
third grade, three employees, seventeen hundred forty dollars (\$1,740);  
second grade, three employees, fourteen hundred forty dollars (\$1,440);  
first grade, two employees, six hundred ninety-six dollars (\$696), or so much thereof as may be necessary;

for the actual and necessary traveling and other expenses and disbursements of the commissioners, counsel to the commission and the secretary, and their officers, clerks, inspectors, experts and other employees incurred or made by them in the discharge of their official duties, twenty-five thousand dollars (\$25,000), or so much thereof as may be necessary;  
for printing, office supplies, telephone and telegraph service, expressage, postage, stationery, reporting of hearings, laboratory supplies, books and other necessary and incidental office expenses, thirty thousand dollars (\$30,000), or so much thereof as may be necessary;



for rent of offices, 14 Washington avenue, Albany, of office at Buffalo, fuel and light for same, two thousand two hundred dollars (\$2,200), or so much thereof as may be necessary; for the salaries of additional employees, which may be required from time to time, their actual and necessary traveling expenses and disbursements, and for contingent and other expenses not otherwise provided for, twenty thousand dollars (\$20,000), or so much thereof as may be necessary.

### QUARANTINE COMMISSIONERS.

For the salaries:

of the commissioners of quarantine, seven thousand five hundred dollars (\$7,500);

of the employees according to grade:

eighth grade, one employee, one thousand eight hundred dollars (\$1,800);

seventh grade, one employee, one thousand five hundred dollars (\$1,500);

sixth grade, two employees, two thousand four hundred dollars (\$2,400);

fifth grade, three employees, two thousand seven hundred dollars (\$2,700);

fourth grade, four employees, two thousand eight hundred eighty dollars (\$2,880);

third grade, two employees, one thousand two hundred dollars (\$1,200);

second grade, two employees, nine hundred sixty dollars (\$960);

superintendent, two thousand five hundred dollars (\$2,500);

master mechanic, one thousand two hundred eighty dollars (\$1,280);

engineer on Hoffman island, one thousand fifty dollars (\$1,050);

engineer on tug, one thousand eighty dollars (\$1,080);

laundryman, Swinburne island, three hundred dollars (\$300);

cook, Swinburne island, two hundred forty dollars (\$240), or so much thereof as may be necessary.

For general repairs and expenses of maintenance, twelve thousand dollars (\$12,000), or so much thereof as may be necessary.

## STATE BOARD OF TAX COMMISSIONERS.

For the salaries:

- of the tax commissioners, fifteen thousand dollars (\$15,000);
- secretary, three thousand five hundred dollars (\$3,500);
- of the employees according to grade:
  - tenth grade, one employee, two thousand four hundred dollars (\$2,400);
  - ninth grade, one employee, two thousand dollars (\$2,000);
  - eighth grade, two employees, three thousand six hundred dollars (\$3,600);
  - seventh grade, two employees, two thousand nine hundred dollars (\$2,900);
  - sixth grade, three employees, three thousand dollars (\$3,000);
  - fourth grade, one employee, seven hundred twenty dollars (\$720), or so much thereof as may be necessary.

For furniture, books, blanks, printing, stationery, messages, postage and transportation of letters, official documents and other matter sent by express or freight, including boxes or covering for same, and other incidental and necessary office expenses, seven thousand dollars (\$7,000), or so much thereof as may be necessary.

For the actual and necessary traveling expenses of the commissioners in the performance of their official duty, one thousand five hundred dollars each (\$1,500), or so much thereof as may be necessary.

For the salaries of seven special agents, twelve thousand six hundred dollars (\$12,600), or so much thereof as may be necessary, and the further sum of three thousand dollars (\$3,000), or so much thereof as may be necessary, for their actual and necessary traveling expenses in the performance of their official duty.

For services and actual and necessary traveling expenses of confidential and expert appraisers of special franchises, the sum of thirteen thousand dollars (\$13,000), or so much thereof as may be necessary.

For the salary of a mortgage tax clerk, three thousand five hundred dollars (\$3,500), and the further sum of two hundred dollars (\$200), or so much thereof as may be necessary, for his actual and necessary traveling expenses in the performance of his official duty.

For the salaries of four special examiners under the mortgage tax law, seven thousand two hundred dollars (\$7,200), or so much thereof as may be necessary.

For the actual and necessary traveling expenses of said examiners incurred by them in the discharge of their official duties, four thousand eight hundred dollars (\$4,800), or so much thereof as may be necessary.

## DEPARTMENT OF WEIGHTS AND MEASURES.

For salaries of:

superintendent, two thousand five hundred dollars (\$2,500).

for the actual and necessary traveling expenses incurred in the performance of their official duties, by the superintendent and the inspectors, two thousand dollars (\$2,000), or so much thereof as may be necessary;

for salaries according to grade:

sixth grade, four employees, four thousand eight hundred dollars (\$4,800);

fifth grade, two employees, one thousand five hundred dollars (\$1,500);

fourth grade, one employee, seven hundred twenty dollars (\$720), or so much thereof as may be necessary.

For furniture, books, stationery, messages and other office expenses, two thousand dollars (\$2,000), or so much thereof as may be necessary.

For repairing existing state weights and measures, and for the expenses of sending the same to the national bureau of standards for comparison and correction, and returning the same, including packing and transportation, one thousand dollars (\$1,000), or so much thereof as may be necessary.

## STATE WATER SUPPLY COMMISSION.

For the salaries:

of the state water supply commissioners, twenty-five thousand dollars (\$25,000);

consulting engineer, four thousand five hundred dollars (\$4,500);

secretary, two thousand five hundred dollars (\$2,500);



of the employees according to grade:

fifth grade, one employee, nine hundred dollars (\$900).

For the actual and necessary traveling expenses of the five commissioners in the performance of their official duty, two thousand one hundred thirty-two dollars sixty five cents (re. \$2,132.65), which amount is hereby reappropriated from the unexpended balance of appropriation made by chapter four hundred sixty-five of the laws of one thousand nine hundred eight for the same purpose, and the further sum of three hundred sixty-seven dollars thirty-five cents (\$367.35), or so much thereof as may be necessary.

For the actual and necessary traveling expenses of the engineer and secretary, in the performance of their official duty, five hundred dollars (\$500), or so much thereof as may be necessary.

For office rent, one thousand dollars (\$1,000), or so much thereof as may be necessary.

For furniture, books, blanks, printing, stationery, messages, postage and transportation of letters, official documents and other matter sent by express or freight, including boxes or covering for same, janitor service and other necessary incidental office expenses, two thousand dollars (\$2,000), or so much thereof as may be necessary.

### FISCAL SUPERVISOR OF STATE CHARITIES.

For the salaries:

of the fiscal supervisor of state charities, six thousand dollars (\$6,000);

deputy, three thousand five hundred dollars (\$3,500);

chief clerk, two thousand five hundred dollars (\$2,500);

inspector of buildings, heating and lighting, two thousand dollars (\$2,000);

confidential inspector, one thousand two hundred dollars (\$1,200);

of the employees according to grade:

ninth grade, one employee, two thousand dollars (\$2,000);

eighth grade, two employees, three thousand six hundred dollars (\$3,600);

seventh grade, three employees, four thousand five hundred dollars (\$4,500);

fifth grade, three employees, two thousand seven hundred dollars (\$2,700);

fourth grade, one employee, seven hundred twenty dollars (\$720);

second grade, one employee, four hundred eighty dollars (\$480), or so much thereof as may be necessary.

For the actual and necessary traveling expenses of the fiscal supervisor in the performance of his official duty, one thousand dollars (\$1,000), or so much thereof as may be necessary.

For furniture, books, blanks, printing, messages, traveling expenses of inspectors, and other necessary and incidental office expenses, including the services of a competent person to examine the books, papers and accounts of any institution, as provided in article three of the state charities law, two thousand five hundred dollars (\$2,500), or so much thereof as may be necessary.

For postage and transportation of letters, official documents and other matter sent by express or freight, including boxes or covering for same, two hundred fifty dollars (\$250), or so much thereof as may be necessary.

#### PURCHASING COMMITTEE OF STATE CHARITABLE INSTITUTIONS.

For the salary:

of a secretary, who shall be a stenographer, shall attend to all the office business and correspondence of the purchasing committee of state charitable institutions, shall keep the minutes of the meetings of said committee and shall do the necessary stenographic work of said committee, one thousand two hundred dollars (\$1,200).

For the necessary expenses of the purchasing committee of the state charitable institutions for advertising for proposals, making chemical analysis, printing, blanks, stationery, and postage, five hundred dollars (\$500), or so much thereof as may be necessary.

#### PUBLIC INSTITUTIONS.

##### WESTERN HOUSE OF REFUGE FOR WOMEN, ALBION.

For the Western House of Refuge for Women at Albion for the maintenance of the institution and for the transportation of those committed to it, fifty-two thousand dollars (\$52,000), or so much thereof as may be necessary.

## NEW YORK STATE SCHOOL FOR THE BLIND, BATAVIA.

For the maintenance and instruction of the inmates of the State School for the Blind at Batavia, forty-four thousand dollars (\$44,000), or so much thereof as may be necessary.

## NEW YORK STATE SOLDIERS' AND SAILORS' HOME, BATH.

For the New York State Soldiers' and Sailors' Home at Bath, for maintenance and for the transportation of applicants for admission, two hundred seventy-five thousand dollars (\$275,000), or so much thereof as may be necessary.

## NEW YORK STATE REFORMATORY FOR WOMEN, BEDFORD.

For the New York State Reformatory for Women at Bedford, for the maintenance of the institution and for the transportation of those committed to it, seventy thousand dollars (\$70,000), or so much thereof as may be necessary.

## NEW YORK STATE REFORMATORY, ELMIRA.

For the New York State Reformatory at Elmira, for maintenance and ordinary repairs and for the purchase of material and for expenses of manufacturing, two hundred fifty thousand dollars (\$250,000), or so much thereof as may be necessary.

## NEW YORK STATE TRAINING SCHOOL FOR GIRLS, HUDSON.

For the New York State Training School for Girls at Hudson, for the maintenance of the institution and for the transportation of those committed to it, eighty-three thousand dollars (\$83,000), or so much thereof as may be necessary.

## THOMAS INDIAN SCHOOL, IROQUOIS.

For the Thomas Indian School at Iroquois, for maintenance, thirty-one thousand dollars (\$31,000), or so much thereof as may be necessary.

## EASTERN NEW YORK REFORMATORY, NAPANOCH.

For the Eastern New York Reformatory at Napanoch, for maintenance, one hundred thousand dollars (\$100,000), or so much thereof as may be necessary.



## NEW YORK STATE CUSTODIAL ASYLUM, NEWARK.

For the New York State Custodial Asylum for Feeble-Minded Women at Newark, for maintenance and for other necessary expenses, ninety thousand dollars (\$90,000), or so much thereof as may be necessary.

## NEW YORK STATE WOMAN'S RELIEF CORPS HOME, OXFORD.

For the New York State Woman's Relief Corps Home at Oxford, for maintenance, thirty-eight thousand dollars (\$38,000), or so much thereof as may be necessary.

## NEW YORK HOUSE OF REFUGE, RANDALL'S ISLAND.

For the Society for the Reformation of Juvenile Delinquents in the city of New York, for maintenance and rewards to inmates and repairs and betterments of tools and equipment and furniture, and for necessary tools to properly conduct the trade school and common schools and military system and photographing of inmates, one hundred fifty-six thousand dollars (\$156,000), or so much thereof as may be necessary.

## NEW YORK STATE HOSPITAL FOR TUBERCULOSIS, RAY BROOK.

For the New York State Hospital for the Treatment of Incipient Pulmonary Tuberculosis at Ray Brook, for the maintenance of the institution, ninety thousand dollars (\$90,000), or so much thereof as may be necessary.

## STATE AGRICULTURAL AND INDUSTRIAL SCHOOL, INDUSTRY.

For the State Agricultural and Industrial School at Industry, for the maintenance of and rewards to inmates, and repairs and betterments of tools, equipment and furniture, and for necessary tools to conduct the trade schools and common schools and military system and photographing of inmates, one hundred seventy thousand dollars (\$170,000), or so much thereof as may be necessary.

## ROME STATE CUSTODIAL ASYLUM, ROME.

For the Rome State Custodial Asylum, for maintenance, one hundred sixty-eight thousand dollars (\$168,000), or so much thereof as may be necessary.

## CRAIG COLONY FOR EPILEPTICS, SONYEA.

For the Craig Colony for Epileptics at Sonyea, for the maintenance of the institution, two hundred thousand dollars (\$200,000), or so much thereof as may be necessary.

## SYRACUSE STATE INSTITUTION FOR FEEBLE-MINDED CHILDREN.

For the Syracuse State Institution for Feeble-Minded Children, for maintenance, ninety thousand dollars (\$90,000), or so much thereof as may be necessary.

## NEW YORK STATE HOSPITAL FOR THE CARE OF CRIPPLED AND DEFORMED CHILDREN, WEST HAVERSTRAW.

For the New York State Hospital for the Care of Crippled and Deformed Children at West Haverstraw, for maintenance, twenty thousand dollars (\$20,000), or so much thereof as may be necessary.

## OTHER CHARITABLE AND EDUCATIONAL INSTITUTIONS.

## NEW YORK INSTITUTION FOR THE BLIND.

For the support and instruction of one hundred eighty pupils at the New York Institution for the Blind, in addition to the sum of eleven thousand five hundred fifty-one dollars and twenty-seven cents (re. \$11,551.27), remaining unexpended of an appropriation heretofore made therefor by chapter four hundred sixty-five of the laws of one thousand nine hundred eight, which is hereby reappropriated for the same purpose, and the further sum of forty-two thousand four hundred forty-eight dollars and seventy-three cents (\$42,448.73), or a proportionate amount for a shorter period of time than one year, or for a smaller number of pupils, as shall be duly verified by the affidavits of the president and secretary of the institution.

## DEAF AND DUMB.

For the support and instruction of three hundred pupils at the Institute for the Deaf and Dumb, in New York City, the sum of ninety thousand dollars (\$90,000).

For the support and instruction of one hundred twenty pupils at the Institution for the Improved Instruction of Deaf-Mutes

in New York City, in addition to the sum of three thousand three hundred forty-seven dollars and twenty-two cents (re. \$3,347.22), remaining unexpended of appropriations heretofore made therefor, which is hereby reappropriated for the current and the next fiscal years, the further sum of thirty-five thousand five hundred fifty two dollars and seventy-eight cents (\$35,552.78).

For the support and instruction of one hundred ten pupils at the Le Conteulx Saint Mary's Institution for the Improved Instruction of Deaf-Mutes, at Buffalo, in addition to the sum of eleven thousand thirty-four dollars and seventy-one cents (re. \$11,034.71), remaining unexpended of appropriations heretofore made therefor, which is hereby reappropriated for the current and next fiscal years, the further sum of twenty-three thousand nine hundred sixty-five dollars and twenty-nine cents (\$23,965.29).

For the support and instruction of one hundred and fifteen pupils at the Central New York Institution for the Improved Instruction of Deaf-Mutes, at Rome, in addition to the sum of thirteen thousand ninety-one dollars and seventy-six cents (re. \$13,091.76), remaining unexpended of appropriations heretofore made therefor, which is hereby reappropriated for the current and the next fiscal years, the further sum of twenty-four thousand two hundred eighty-three dollars and twenty-four cents (\$24,283.24).

For the support and instruction of sixty-five pupils at the Northern New York Institution for Deaf-Mutes, at Malone, in addition to the sum of six thousand four hundred sixty-seven dollars and eleven cents (re. \$6,467.11), remaining unexpended of appropriations heretofore made therefor, which is hereby reappropriated for the current and the next fiscal years, the further sum of thirteen thousand five hundred thirty-two dollars and eighty-nine cents (\$13,532.89).

For the support and instruction of two hundred forty pupils at Saint Joseph's Institution for the Improved Instruction of Deaf-Mutes at West Chester, in addition to the sum of six thousand two hundred eleven dollars and sixty cents (re. \$6,211.60), remaining unexpended of appropriations heretofore made therefor, which is hereby reappropriated for the current and the next fiscal years, the further sum of sixty-eight thousand seven hundred eighty-eight dollars and forty cents (\$68,788.40).

For the support and instruction of twenty-five pupils at the Albany Home School for the Deaf, in addition to the sum of four



hundred seventy-five dollars and fifteen cents (re. \$475.15), remaining unexpended of appropriations heretofore made therefor, which is hereby reappropriated for the current and the next fiscal years, the further sum of seven thousand six hundred forty-nine dollars and eighty-five cents (\$7,649.85).

For the support and instruction of one hundred fifteen pupils at the Western New York Institution, at Rochester, for the improved instruction of deaf-mutes, the sum of thirty-seven thousand three hundred seventy-five dollars (\$37,375).

The amount hereby appropriated for the several institutions for the support and instruction of deaf-mutes is at the rate of three hundred dollars per capita for a school year of not less than forty weeks and a proportionate amount for a shorter period of time than one school year, or for a smaller number of pupils in each case, and shall be allowed in each of the last eight items, and paid by the comptroller, upon certificate verified by oath of the president and secretary, or other officer designated by law, of such institution, and upon the approval of the commissioner of education.

## MISCELLANEOUS.

### COUNTY TREASURERS.

For advances to county treasurers on account of taxes on property of non-residents, and for taxes on state, wild or forest lands which may be returned to the comptroller's office, and for adjusting accounts of state taxes with counties, fifty-five thousand dollars (\$55,000), or so much thereof as may be necessary.

### REDEMPTION OF LANDS.

The sum of two thousand dollars (re. \$2,000), being a portion of the unexpended balance of appropriation made by chapter five hundred seventy-eight, laws of nineteen hundred seven, for repayment of money to purchasers upon redemption of lands sold for taxes, is hereby reappropriated for the same purpose.

### REFUND OF TAXES.

The sum of two thousand dollars (re. \$2,000), being a portion of the unexpended balance of appropriation made by chapter five hundred seventy-eight, laws of nineteen hundred seven, for re-

payment of money to purchasers upon redemption of lands sold for taxes, is hereby reappropriated for repayment of money erroneously paid into the treasury for taxes.

## INDIAN AFFAIRS.

For the payment of the annuities to the several Indian tribes, as follows:

- To the Onondagas, two thousand four hundred thirty dollars (\$2,430);
- Cayugas, two thousand three hundred dollars (\$2,300);
- Senecas, five hundred dollars (\$500);
- Saint Regis, two thousand one hundred thirty-one dollars and sixty-seven cents (\$2,131.67).

For the relief of the Onondaga Indians, three hundred dollars (\$300).

For compensation of the agent of the Onondaga Indians, two hundred dollars (\$200).

For compensation of the agent of the Onondaga Indians, pursuant to chapter one hundred seventy-eight, laws of eighteen hundred forty-seven and chapter six hundred thirty-five, laws of eighteen hundred sixty-nine, sixty-five dollars (\$65).

For compensation of the agent of the Onondaga Indians, residing on the Allegany and Cattaraugus reservation, one hundred fifty dollars (\$150).

For compensation of the attorney of the Saint Regis Indians, one hundred fifty dollars (\$150).

For compensation of the attorney of the Seneca Indians, one hundred fifty dollars (\$150).

For compensation of the attorney of the Tonawanda band of Seneca Indians, one hundred fifty dollars (\$150).

## VARIOUS.

For the lieutenant-governor and the speaker of the assembly, for their actual and necessary traveling expenses in the performance of their duties upon the several boards of which they are members, five hundred dollars each, one thousand dollars (\$1,000), or so much thereof as may be necessary.

For supplying states on exchange with reports of the court of appeals and the supreme court, pursuant to section twenty-seven

of the executive law, five hundred dollars (\$500), or so much thereof as may be necessary.

For the trustees of Washington's headquarters, at Newburgh, for compensation of the superintendent and assistants, and for the care, maintenance, repairs and improvements of the grounds, two thousand five hundred dollars (\$2,500), or so much thereof as may be necessary.

For the salary of the custodian and care-taker of the state reservation at Stony Point, six hundred dollars (\$600), or so much thereof as may be necessary, payable monthly.

For the expenses of the board of port wardens of the port of New York, pursuant to chapter one hundred forty-two, laws of eighteen hundred ninety-one, four thousand five hundred dollars (\$4,500), or so much thereof as may be necessary.

For salary of janitor of the Saratoga monument, six hundred dollars (\$600), as provided by chapter five hundred fifty-five, laws of eighteen hundred ninety-five.

For care and maintenance of Grant cottage, as provided by chapter six hundred sixty-seven, laws of eighteen hundred ninety-six, one thousand dollars (\$1,000), or so much thereof as may be necessary.

§ 2. The several amounts herein appropriated shall be paid by the treasurer from the respective sums as specified, pursuant to the requirements of the state finance law, and it shall be the duty of the treasurer to report annually to the legislature the detail of the several expenditures. The salary or compensation of any officer or employee, when not prescribed by law, for which an appropriation is made by this act, may be fixed by the department, official or officials appointing such officer, or employing such employee, at a less, but not a greater sum than the amount herein appropriated for the salary or compensation of such officer or employee. No appropriation herein contained shall be available for the salary or compensation of any regular officer or employee whose employment or office is not herein specified unless his appointment or employment is expressly authorized, and except as otherwise herein expressly provided, the appropriations made in this act for traveling expenses of officers or employees are for actual and necessary expenses only, in the performance of official duty and to be paid upon proper proof thereof, as required by section twelve of the state finance law, and no other or further



or fixed allowance for expenses shall be granted or paid, anything in any other statute to the contrary notwithstanding.

The appropriations made in this act for the salaries of employees by grades are intended to refer to such grades as established by, and in accordance with, chapter five hundred twenty-one, laws of nineteen hundred one, and such appropriations shall be available for the salaries of employees in any grade lower than the one specified in the appropriation act.

A manager, trustee or officer of any state charitable or other institution receiving moneys under this act from the state treasury, for maintenance and support, shall be entitled to actual and necessary traveling expenses only when attending meetings of the board at the office of the institution or in the performance of other official duties undertaken pursuant to a resolution of the board of managers of which he is a member and with the approval of the fiscal supervisor of state charities.



# JOURNAL OF THE ASSEMBLY OF THE STATE OF NEW YORK.

ONE HUNDRED AND THIRTY-FIRST SESSION.

## ERRATA—VOLUME III.

- Page 2193, line 16, for "Assembly" read "Senate".  
Page 2193, line 17, for "Int." read "Rec."  
Page 2194, line 1, for "Assembly" read "Senate".  
Page 2194, line 2, for "Int." read "Rec."  
Page 2201, line 7, for "1095" read "1059".  
Page 2224, line 10, strike out "a majority" and insert "two-thirds".  
Page 2224, line 11, strike out "and three-fifths being present".  
Page 2237, line 43, after "2102" insert "Senate reprint No. 1391".  
Page 2245, line 15, for "431" read "481".  
Page 2248, line 27, after "and" insert "sixty of the laws of eighteen hundred and".  
Page 2249, line 28, before "Mr." insert "By unanimous consent".  
Page 2270, line 41, for "second" read "third".  
Page 2318, strike out lines 18 to 24, inclusive.  
Page 2332, strike out lines 4 and 5.  
Page 2336, line 17, for "herebefore" read "heretofore".  
Page 2354, line 19, for "246" read "264".  
Page 2356, line 33, for "Int." read "Rec."  
Page 2361, line 18, strike out "second and".  
Page 2368, line 29, for "Page" read "Hill".  
Page 2368, line 29, for "1223" read "1287".  
Page 2380, line 3, before "bill" insert "Senate".  
Page 2381, line 21, for "Conklin" read "Cuvillier".  
Page 2384, line 40, for "Greenberg" read "Gunderman".  
Page 2392, line 34, strike out "with amendments".  
Page 2400, line 2, for "41" read "42".  
Between lines 26 and 27 insert "Troy".  
Page 2405, line 12, for "Haines" read "Harris".  
Page 2438, line 18, before "Int." insert "Assembly reprint No. 2314".  
Strike out beginning with "An act" on line 18 down to and including the word "Supervisors" on line 23 and insert "An act making appropriation for certain expenses of government and supplying deficiencies in former appropriations".  
Page 2470, line 23, for "Int." read "Rec."  
Page 2471, line 35, for "Int." read "Rec."  
Page 2471, line 35, for "580" read "106".  
Page 2471, line 35, after "The" insert "Senate".  
Page 2476, line 19, for "2034" read "2304".  
Page 2480, line 24, for "Perkins" read "Phillips".  
Page 2509, strike out lines 22 to 33 inclusive.  
Page 2531, line 11, for "1884" read "1384".  
Page 2571, line 17, for "Efling" read "Ebling".  
Page 2601, line 13, for "drifting" read "driving".



## APPENDIX No. II.

Page 10, strike out lines 32 to 40 inclusive and insert:

“Speaker’s clerk, E. W. Moses.  
 Speaker’s stenographer, Carrie L. Miller.  
 Speaker’s messenger, H. H. Spencer.  
 Assistant Doorkeeper, James B. Hulse.  
 Assistant doorkeeper, James Robinson.  
 Assistant doorkeeper, C. F. Brady.  
 Assistant doorkeeper, Seward Meeks.  
 Assistant doorkeeper, George Shelland.  
 Assistant doorkeeper, E. A. Ebbetts.  
 Assistant doorkeeper, Edward Barker.  
 Postmaster, John S. Herrington.  
 Assistant postmaster, Byron P. Shutts.  
 Post office messenger, James Underwood.  
 Janitor, Charles Warley.  
 Assistant janitor, W. A. Boyd.  
 General clerk, Jos. A. Early.  
 General clerk, R. C. Derrick.  
 General clerk, A. W. Webb.  
 General messenger, George Brown.  
 Clerk to Committee on Ways and Means, L. E. Ellison.  
 Messenger to Committee on Ways and Means, A. E. Loucks.  
 Stenographer to Committee on Ways and Means, J. L. Murray.  
 Committee clerk, Moses Sloan.  
 Committee clerk, John T. McCormick.  
 Committee clerk, Frank A. Hill.  
 Committee clerk, A. V. Mood.  
 Stenographer to Committee on the Judiciary, Margaret Norris.  
 Stenographer to Committee on Railroads, Jessie E. Northrup.  
 Stenographer to Journal clerk, H. M. Hoyt.  
 Stenographer to minority leader, Kathryn Tillapaugh.”

Page 11, strike out lines 1 to 12 inclusive and insert “Pursuant to the resolution authorizing the same, the Clerk announced the appointment of the following officers to attend and perform services during the extraordinary session of the Legislature:

Clerk’s messenger, James B. McIntosh.  
 Assistant clerk, William V. Ross.  
 Journal clerk, William K. Mansfield.  
 First assistant journal clerk, Charles H. Wicks.  
 Second assistant journal clerk, G. C. Squires.  
 Deputy clerk to revision committee, Charles H. Clark.  
 Deputy clerk to engrossed bills committee, J. B. H. Mongin.  
 Assistant clerk to engrossed bills committee, R. S. Dalzell.  
 Deputy clerk, Frank Smith.  
 Index clerk, John A. Cole.  
 Second assistant index clerk, John W. Candee.  
 Financial clerk, G. A. Matteson.  
 Assistant financial clerk, George S. Mott.  
 Messenger to financial clerk, H. M. Prowda.  
 Chief messenger in charge of pages, James H. Millard.  
 Messenger to committee, Vivian Moore.  
 Messenger to committee, William R. Van Campen.  
 Messenger to committee, E. C. Chapman.  
 Messenger to committee, Charles Eison.  
 Page, W. G. Baxter  
 Page, Wesley Ostrander.  
 Page, George Hutchinson.  
 Page, William Flynn.  
 Page, John Cleary.  
 Page, Charles Minikheim.  
 Page, Max Coplon.

Page, William Hoogkamp.

Page, William Brower.

Page, J. Brewster.

Page, James Murray.

Page, Adam Dreesback."

Page 45, line 6, for "11-45" read "11-15".

Page 59, line 14, for "Grady" read "Gray".

Page 65, line 39, for "26" read "25".

Page 78, line 32, for "passed" read "lost".

STATE OF NEW YORK,

COUNTY OF ALBANY,

Office of the Clerk of the Assembly.

} ss.:

Pursuant to section twenty-two of chapter six hundred and eighty-two of the Laws of eighteen hundred and ninety-two, entitled "The Legislative Law," as amended by chapter two hundred and forty of the Laws of nineteen hundred and six, I, Ray B. Smith, Clerk of the Assembly, hereby certify that the following volume III of the Assembly Journal for the year nineteen hundred and eight was printed under my direction and, as corrected, it is a correct transcript of the original manuscript copy.

.....  
Clerk of the Assembly.





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INDEX TO ASSEMBLY JOURNAL

1909

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## PLAN OF INDEX.

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This Journal is indexed upon the following plan:

1. Every bill relating to a locality may be found indexed under the name of that locality and ordinarily will not be found indexed under the subject to which it relates.

2. All bills relating to Kings county will be found under the New York, General, and all bills relating to Greater New York under New York City, General, and New York City, Charter.

3. Every general bill will be found indexed under the proper subject.

4. Every resolution, excepting those recalling bills, will be found under "Resolutions."

5. Every bill relating to canals will be found under "Canals."

6. The bills relating to general laws under the proper heads, i. e., "Banking Law," "Benevolent Orders Law," "Game Law," "Lien Law," "Revised Statutes," &c., &c., also under the head "General Laws."

7. All claim bills under "Claims."

8. Bills relating to cities of either class under "Cities of 1st Class," "Cities of 2d Class," &c., &c.

9. All code amendments under the heads of "Code Civil," "Code Criminal," and "Code Penal."

10. All petitions under "Petitions," and reports under "Reports."

11. All points of order under "Points of Order."

12. All decisions and acts of Speaker under "Speaker."

13. Privileges of floor under "Privilege."

14. All matters not relating to bills under the proper head.

15. The numbers used in this index, viz.: "Int. No.," refers to Assembly bill and its introductory number, and when "Rec. No." is used, it refers to a Senate bill and its reception number.

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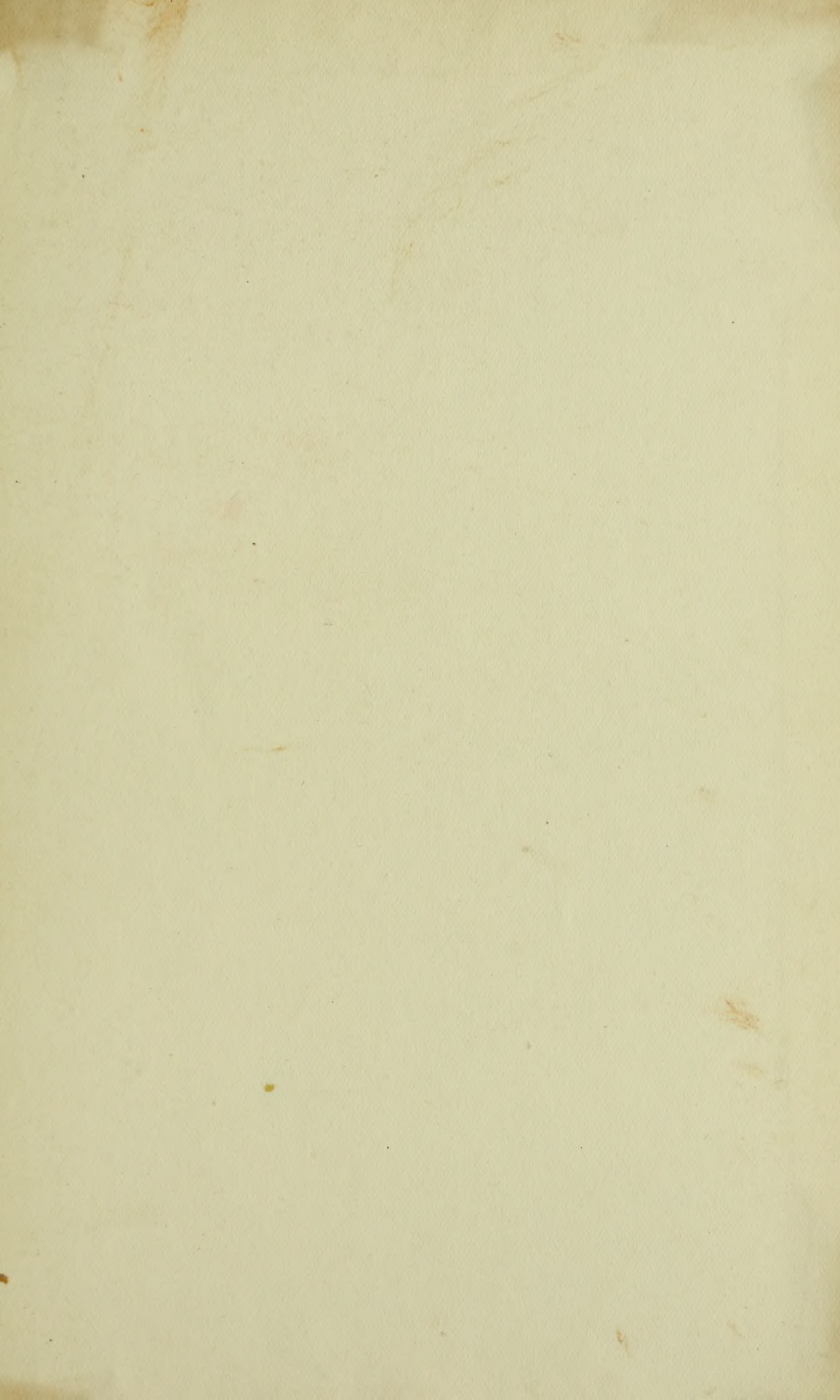














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